

VERBATIM

RECORD OF TRIAL²

(and accompanying papers)

of

MANNING, Bradley E.

(Name: Last, First, Middle Initial)

Headquarters and

Headquarters Company,

United States Army Garrison

(Unit/Command Name)

(Social Security Number)

U.S. Army

(Branch of Service)

PFC/E-3

(Rank)

Fort Myer, VA 22211

(Station or Ship)

By

GENERALCOURT-MARTIAL

Convened by

Commander

(Title of Convening Authority)

UNITED STATES ARMY MILITARY DISTRICT OF WASHINGTON

(Unit/Command of Convening Authority)

Tried at

Fort Meade, MD

(Place or Places of Trial)

on

see below

(Date or Dates of Trial)

Date or Dates of Trial:

23 February 2012, 15-16 March 2012, 24-26 April 2012, 6-8 June 2012, 25 June 2012, 16-19 July 2012, 28-30 August 2012, 2 October 2012, 12 October 2012, 17-18 October 2012, 7-8 November 2012, 27 November - 2 December 2012, 5-7 December 2012, 10-11 December 2012, 8-9 January 2013, 16 January 2013, 26 February - 1 March 2013, 8 March 2013, 10 April 2013, 7-8 May 2013, 21 May 2013, 3-5 June 2013, 10-12 June 2013, 17-18 June 2013, 25-28 June 2013, 1-2 July 2013, 8-10 July 2013, 15 July 2013, 18-19 July 2013, 25-26 July 2013, 28 July - 2 August 2013, 5-9 August 2013, 12-14 August 2013, 16 August 2013, and 19-21 August 2013.

1 Insert "verbatim" or "summarized" as appropriate. (This form will be used by the Army and Navy for verbatim records of trial only.)

2 See inside back cover for instructions as to preparation and arrangement.

From: Hurley, Thomas F MAJ OSD OMC Defense [thomas.hurley@osd.mil]
Sent: Tuesday, July 24, 2012 3:57 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Discovery

MAJ Fein

I have exclusive use of a safe in my office. It's a two-drawer that carries the following information on a stamp "GENERAL SERVICES ADMINISTRATION APPROVED SECURITY CONTAINER ALPHA SAFE & VAULT, inc."

In an ideal world, the safe at Fort Myer would be delivered to my office as well. Please let me know if there's anything I can do (or my new office can do) to make that particular piece of utopia a reality.

Thanks.

Tom Hurley

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 24, 2012 4:05 PM
To: Hurley, Thomas F MAJ OSD OMC Defense
Cc: David Coombs; Tooman, Joshua J CPT USARMY (US); Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Parra, Jairo A. CW2 USA JFHQ-NCR/MDW SJA
Subject: RE: Classified Discovery

MAJ Hurley,

Thank you. We are working on the action to go to the convening authority.

v/r
Ashden

From: [REDACTED] SES (US) [REDACTED]@mail.mil]
Sent: Tuesday, July 24, 2012 4:38 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Subject: FW: Giglio Request (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Per your Giglio request. G2's response.

[REDACTED]
NIPR: [REDACTED]@mail.mil
SIPR: [REDACTED]@HQA-S.army.smil.mil
JWICS: [REDACTED]@dmi.ic.gov
Tel: [REDACTED]

-----Original Message-----

From: [REDACTED] USARMY HQDA DCS G-2 (US)
Sent: Tuesday, July 24, 2012 4:31 PM
To: [REDACTED] SES (US)
Cc: [REDACTED] USARMY (US)
Subject: RE: Giglio Request (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]
We have had both our security and human resources representatives complete a review of G2 records. No information matching that described I Para 4 was found in either [REDACTED] or [REDACTED] records. Please let me know if you have any additional questions or require any additional information.

V/R,

[REDACTED]
[REDACTED]
LTC, MI
Executive Officer
HQDA, ADCS, G-2
Room 2E408

[REDACTED] DSN [REDACTED]
SIPR VOIP: [REDACTED] TS/SCI VOIP: [REDACTED]
NIPR: [REDACTED]@mail.mil
SIPR: [REDACTED]@mi.army.smil.mil
JWICS: [REDACTED]@army.ic.gov

-----Original Message-----

From: [REDACTED] SES (US)

Sent: Friday, July 20, 2012 1:14 PM
To: [REDACTED] USARMY HQDA DCS G-2 (US)
Subject: FW: Giglio Request (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Please review attached document and determine whether the G2 possesses any information described in para 4 about [REDACTED] or [REDACTED]. Once you have completed the review of G2 records let me know.

If you have any questions let me know.

[REDACTED]

NIPR: [REDACTED]@mail.mil
SIPR: [REDACTED]@HQDA-S.army.smil.mil
JWICS: [REDACTED]@dami.ic.gov
Tel: [REDACTED]

-----Original Message-----

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
[mailto:Ashden.Fein@jfhqncr.northcom.mil]
Sent: Friday, July 20, 2012 10:02 AM
To: [REDACTED] SES (US)
Cc: Whyte, Jeffrey H CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Giglio Request

Sir,

Attached is the giglio request for the Army G2's employees. Thanks!

Ashden

Classification: UNCLASSIFIED
Caveats: NONE

Classification: UNCLASSIFIED
Caveats: NONE

From: [REDACTED]@state.gov]
Sent: Wednesday, July 25, 2012 4:52 PM
To: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Cc: [REDACTED]
Subject: Meeting tomorrow

Ashden, we are confirmed for our meeting tomorrow (Thursday) at 1400 hours. It will be in the 1st floor conference room of SA-2 (State Annex #2), which is where we had our last big meeting (on 22nd Street, behind the main State Dep't building). From our side it will be folks from L, A, S/ES and DRL. Whomever you'd like to bring along is OK with us. Thx [REDACTED]

From: Whyte, Jeffrey H CPT USARMY (US)
Sent: Thursday, July 26, 2012 5:50 PM
To: [REDACTED]
Cc: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Prosecution's review of files (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

May I please come to your office tomorrow afternoon to review the documents simply from a logistical standpoint? We already reviewed all the documents for discovery purposes, but I just want to make sure that what we marked is easily identifiable.

I don't anticipate the review taking more than one hour.

Thank you, Sir!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: [REDACTED]@centcom.mil]
Sent: Friday, July 27, 2012 11:48 AM
To: Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US)
Cc: [REDACTED] IRR USA USCENTCOM CCJA-SJA; [REDACTED] SFC RES USA
USCENTCOM CCJA-SJA
Subject: Department of Air Force Civilian Employees - Witness at Manning Trial

Major Fein / Captain Overgaard

As emailed earlier, CENTCOM nor the installation has the official civilian employees personnel files of AF employees working at CENTCOM. Those are maintained at Air Force Personnel Center (AFPC). (CENTCOM will have the supervisor's file.)

To obtain the official file of USAF civilian employees (employed at CENTCOM) and who will be testifying in the PFC Manning trial, the POC is the following: [REDACTED] (attorney-advisor)

[REDACTED]
[REDACTED]
550 C Street West, # 44

Randolph AFB TX 78150-4746

Comm: [REDACTED]

DSN: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

v/r
[REDACTED]
[REDACTED]

[REDACTED]
USCENTCOM/CCJA

Administrative Law Division

7115 S. Boundary Road

MacDill AFB FL 33621-5101

Comm: [REDACTED]

DSN: [REDACTED]

Fax Comm: [REDACTED]

Fax DSN: [REDACTED]

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From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Saturday, July 28, 2012 9:08 AM
To: [REDACTED] SES (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: JS/HQDA files

Sir,

Good afternoon from Frankfurt. On Monday, could you please send an update to Joe about whether we have the authority to turn over all the classified discovery from HQDA and the that [REDACTED] went through? Friday, 3 Aug is our filing deadline. Thanks!

Ashden

From: [REDACTED] SES (US)
Sent: Monday, July 30, 2012 8:00 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: JS/HQDA files (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Yes, [REDACTED] says there is nothing that should be held back.

[REDACTED]
Office of the Judge Advocate General of the Army, Pentagon 3D548

NIPR: [REDACTED]@mail.mil
SIPR: [REDACTED]@HQDA-S.army.smil.mil
JWICS: [REDACTED]@dam1.ic.gov
Tel: [REDACTED]

From: Whyte, J Hunter CPT USARMY (US)
 Sent: Monday, July 30, 2012 10:29 AM
 To: [REDACTED]@state.gov
 Cc: Morrow III, JoDean, CPT USA JFHQ-NCR/MDW SJA; Overgaard, Angel M. CPT USA JFHQ-NCR/MDW SJA; von Elten, Alexander S. CPT USA JFHQ-NCR/MDW SJA; 'Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA'; [REDACTED]
 [REDACTED] Ford, Arthur D Jr CW2 USARMY (US)
 Subject: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
 Caveats: NONE

On Friday, I reviewed the material both at main State (i.e., [REDACTED] office) and at the annex location to make sure everything was marked properly. Ultimately, there are three buckets of information: (1) Brady material; (2) otherwise discoverable material; and (3) not discoverable material.

All tangible documents in the first two buckets are marked with a color tag. I tried to adopt a consistent color tab for each category, but I quickly ran out of tabs given the large amount of information. So, here are the color tags for what is Brady or otherwise discoverable at both locations:

Annex Location

- Brady material is marked with a BLUE tag (approximately 40 documents)
- Otherwise discoverable material is marked with an ORANGE/YELLOW tag (approximately 275 documents)

Main State/[REDACTED] Office

- Brady material is marked with a BLUE/ORANGE/PINK tag (approximately 170 documents)
- Otherwise discoverable material is marked with a YELLOW tag (approximately 225 documents)

The prosecution also reviewed information on two stand-alone computers at the annex location. The prosecution digitally "erased" all information that was not discoverable or was duplicative. Therefore, what has not been "erased" is either Brady or otherwise discoverable. The prosecution created a Word document on the desktop of each stand-alone computer where each MRN containing Brady material is listed. The document should be titled "PSR Brady." The information that was neither erased nor listed on the Word document is otherwise discoverable.

The prosecution also reviewed emails on those stand-alone computers. The prosecution created "Brady" and "Relevant" sub-folders for that material.

We are asking to disclose to the defense all Brady and otherwise discoverable materials as soon as possible. Please segregate the Brady material from that which is otherwise discoverable when providing the material to the prosecution.

[REDACTED] please let us know if you need any support. Once your office starts the vetting process, we will coordinate to have a paralegal come over and create the log of meetings/times.

Please let me know if you need any clarification from this email!

02983668

v/r
Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, J Hunter CPT USARMY (US)
Sent: Monday, July 30, 2012 3:21 PM
To: [REDACTED]@state.gov
Subject: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED],

Do you have an update on your review of the NCIX document? We have a deadline of August 3rd.

Thank you!

v/r

Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Sent: Friday, August 03, 2012 11:29 AM
To: David Coombs
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: document for review (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

David,

NSA has agreed to make a classified document available to the defense for inspection IAW MRE 505(g)(1). Based on the classification level of the document, the NSA will make the document available for inspection at NSA's main complex located at Fort Meade, Maryland. The defense counsel are only authorized access to inspect the document with their security experts present. The existing Protective Order governing classified information applies to this document.

The defense counsel and their security experts are not authorized to share the information contained within the report with the accused.

Mr. Erik Dodson is the point of contact within the Office of the General Counsel and will coordinate the document being available for the defense. You can reach Mr. Dodson at (301) 688-6054 or ehdodso@nsa.gov. Mr. Dodson will be on leave the week of 6 August 2012; therefore, for that week, the point of contact is Mr. Chad Bayse. You can reach Mr. Bayse at (301) 688-6054 or cebayse@nsa.gov.

NSA requests that the defense notify the agency at least five business days in advance of any such review; however, NSA will try to accommodate any requests made on shorter notice.

The prosecution will work with NSA to determine whether we can work out different conditions. Thanks.

CPT Joe Morrow

Trial Counsel

U.S. Army Military District of Washington

Phone: 202-685-1975

NIPR: jodean.morrow.mil@mail.mil

SIPR: jodean.morrow@jfhqncr.northcom.smil.mil

Classification: UNCLASSIFIED

Caveats: NONE

From: David Coombs [coombs@armycourt martialdefense.com]
Sent: Friday, August 03, 2012 12:40 PM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: document for review (UNCLASSIFIED)

Joe,

Thank you. We would appreciate having the ability to look at the document during the next motions argument.

On a separate note, will the Government have any additional requests for redactions for the Article 13 motion?

Best,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

Fax: (508) 689-9282
coombs@armycourt martialdefense.com

www.armycourt martialdefense.com <<http://www.armycourt martialdefense.com/>>

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From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, August 06, 2012 11:54 AM
To: [REDACTED]
Cc: [REDACTED] Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Badges

Mr. [REDACTED]

Good morning. I was wondering if it will be possible to accomplish the below? Thanks!

v/r
Ashden Fein

-----Original Message-----

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 24, 2012 4:25 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Badges

Mr. [REDACTED],

Good afternoon. I am the lead prosecutor for the "W!kile@ks" court-martial and a few months ago when I came over you mentioned that if we need our badges extended, etc., to notify you directly and you would be able to update them over email.

Two of our members badges and courier cards expire at the end of the month and we realized it last week. Also, my badge and another (after they were extended last time) seem not to work at the FBI and some other organizations that allow IC badges. Is it possible to send out an update message for those badges. The information is below:

[REDACTED]

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, August 06, 2012 2:13 PM
To: [REDACTED]
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: chat

Sir- are you available for a secure chat today... Thanks!

Ashden

From: [REDACTED]@dodiis.mil]
Sent: Monday, August 06, 2012 2:17 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Subject: RE: chat

Maybe later, after 1630 or so.

[REDACTED]
[REDACTED]
Defense Intelligence Agency
Washington, DC 20340
[REDACTED]

From: [REDACTED]@state.gov
Sent: Monday, August 06, 2012 7:12 PM
To: Whyte, J Hunter CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: Manning | Discoverable material
Attachments: FW US v. Manning (UNCLASSIFIED)

Hunter -

FYI, IPS is working hard to pull together the Brady and otherwise discoverable material this week, but they anticipate that they will need a member of your team to swing by later this week (probably Friday) to review their work and ensure that they have properly understood the schemes for tagging hard-copy documents and identifying electronic documents set out in the attached e-mail. I understand that IPS will reach out to you when the set is ready for review, but just wanted to alert you of the likely need to send over a member of your team later this week.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

U.S. Department of State

T +1 [REDACTED]

BB +1 [REDACTED]

E [REDACTED]

E (classified) [REDACTED]

This email is UNCLASSIFIED.

From: Whyte, J Hunter CPT USARMY (US)
Sent: Monday, August 06, 2012 8:45 PM
To: [REDACTED]@state.gov
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: Re: Manning | Discoverable material

Thanks for the heads up, [REDACTED]. We are here to assist. A member of our team can come over whenever.

Hunter

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, August 07, 2012 12:02 PM
To: 'David Coombs'
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Production and Discovery Update

David,

1. NSA Document Review. This document must be reviewed at the Agency and can be coordinated pursuant to CPT Morrow's previous email. We will not be able to have the document at the Court.
2. Discovery Request, dated 1 August 2012. Acknowledged.
3. Article 13 Redactions. After reviewing the Order, dated 17 July 2012, the Government does have the requirement to notify the Court whether we intend to object, or whether we need to coordinate for a specific filing. We will notify the Court in a little bit that we do not intend to object; however we recommend that you fully redact or use the initials for individuals as per the Court's order. There are no other redactions that we recommend, just those that are pursuant to the Court's order.
4. Unclassified Damage Assessments. Once we complete coordination for these, we will provide the defense with a list of those organizations that approved, along with an estimate of when we will receive the approved unclassified versions for immediate production. As previously stated, the majority of those organizations have denied the defense's request.
5. Speedy Trial Witness List. We agree that the Court's Ruling for a continuance, dated 1 August 2012, states that "sessions and filing deadlines currently scheduled to begin 15 October and 27 November are each continued for 2 weeks." However, the original deadline for this filing is 10 August, which is outside that window. If the date moves to the right anymore, then there will not be enough time for the government to make its determinations under RCM 703, the defense to a file motion to compel (if applicable), and for the parties to litigate the issues before the 26 September 2012 filing deadline for the Defense Motion for Speedy Trial, including Article 10, because the only session remaining between now and the Speedy Trial motion due date is the 28-30 August session.

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, August 07, 2012 6:43 PM
To: Tooman, Joshua J CPT USARMY (US)
Cc: 'coombs@armycourt martialdefense.com'; Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); von Elten, Alexander S (Alec) CPT USARMY (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US); 'thomas.hurley@osd.mil'; Hall, Cassius N CIV (US); Ganiel, Charles J CIV (US); Smith, Lillian C CIV USARMY HQDA ITA EM (US)
Subject: RE: Classified Discovery (UNCLASSIFIED)

Josh,

The actual discovery was produced as part of the classified discovery sent to David and attempted to be delivered to MAJ Hurley. That is available anytime. The material referenced in the letter is the underlying forensic evidence that led to that discovery and is available for the defense and specifically the defense forensic computer experts to analyze in order to confirm or deny the findings of the government computer forensic experts. The available information is the same that is on the Forensic Cube we previously provided, but on a specific computer for your experts to analyze.

v/r
MAJ Fein

From: [REDACTED]@state.gov]
Sent: Friday, August 10, 2012 3:07 PM
To: Whyte, J Hunter CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); [REDACTED]
Subject: Manning | Initial review of discovery material

Hunter -

IPS has completed the printing, copying, sorting, and organizing of the majority of the material identified as Brady or otherwise discoverable. Can you arrange to send a member of your team to IPS early next week to check the accuracy of the sorting of the documents per your instructions? Additionally, can you please ensure that the paralegal that your team will be sending over to create the log of meetings and times has the proper security clearances?

Many thanks,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

U.S. Department of State

T +1 [REDACTED]

BB +1 [REDACTED]

E [REDACTED]

E (classified) [REDACTED]

From: David Coombs [coombs@armycourtmarshialdefense.com]
Sent: Sunday, August 12, 2012 9:10 PM
To: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US)
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US)
Subject: RE: Jencks Notification (UNCLASSIFIED)

Joe,

I understand the Government's position on Jencks. In considering my response, it occurred to me that much of the information that could be Jencks, and that the Defense would want, is likely also Giglio. That is, prior inconsistent statements by Government witnesses (along with bias evidence and any other impeachment evidence) would be discoverable pursuant to the Government's Giglio obligations. The Government's obligations under Giglio are not limited to that information within the trial counsel's possession (or even the military's possession). Rather, the Government's Giglio obligations are similar to the Government's Brady obligations. This would mean that for witnesses that the Government intends to call, it must search anywhere the Government has reason to believe might contain Giglio information (including, obviously, the respective agency of the witness). For instance, the Government must search State Department files for Giglio evidence pertaining to State Department witnesses; it may also have a duty to search other files that it reasonably believes might contain Giglio.

Just to make sure we are on the same page, I would like to confirm the Government's understanding of Giglio. In particular, I was hoping you could clarify the following:

1. Do you view evidence of bias, evidence of motive to fabricate, or prior inconsistent statements of a Government witness as Giglio evidence which must be disclosed?
2. Do you view your Giglio obligations as similar to Brady/Williams?
3. To use an example, will the Government search State Department files for Giglio evidence for State Department witnesses?

To date, I do not believe that the Government has produced any Giglio evidence, with the exception of Adrian Lamo (though the Government has only produced some, but not all, Giglio evidence in respect of this witness). Is there any other Giglio evidence that the Government has produced to the Defense? If so, could you provide me with Bates numbers for this information? Also, when should the Defense expect the rest of the Giglio evidence in this case?

I was hoping you could get back to me on this on Monday, so that I can proceed accordingly for my response to the Jencks motion.

Thank you in advance,

David

David E. Coombs, Esq.
Law Office of David E. Coombs
11 South Angell Street, #317
Providence, RI 02906

Toll Free: 1-800-588-4156

Local: (508) 689-4616

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From: Whyte, J Hunter CPT USARMY (US)
Sent: Monday, August 13, 2012 8:22 AM
To: [REDACTED]
Cc: [REDACTED] Fein, Ashden MAJ USARMY MDW (US)
Subject: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Good morning [REDACTED].

[REDACTED] asked me to coordinate with you to confirm everything we tagged has been properly sorted. He suggested that we come by your office tomorrow (Tuesday). When would be a good time for me to stop by? I'll also be bringing a paralegal with me to assist.

Thank you!

v/r

Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, August 13, 2012 6:52 PM
To: 'David Coombs'
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Jencks Notification (UNCLASSIFIED)
Attachments: Discovery.txt; RE Discovery Production.txt; 120809-MFR BATES Numbering
Discrepancy.pdf

David,

Here is a comprehensive reply to your questions from last night and today.

1. Gap in BATES Numbers. Both these gaps were produced in classified discovery. Please see the two attached emails for references to these numbers.
2. Last BATES Number. As of 10 August 2012, our last number is 00505808, the same as you are tracking. Based on our reclamation of produced material last week, we will have a gap in BATES numbers, and the attached MFR should explain the hole in the numbers.
3. DAB Classification Review. The United States already produced the DAB classification review starting at BATES #: 00378646, with all the other classification reviews for the charged documents. The review provided last week was a prior review that did not contain all the documents.
4. Discovery Request, dated 1 August 2012. The United States will have a response by COB tomorrow with our government witness list for the Article 13 motion. As of 1815 tonight, we are still trying to reach out to the individuals on the discovery request to compile a list of what exists and what does not, and the government's position on the information.
5. Recalled Discovery. Today, we FEDEXed (Tracking #: 7987 2195 7098) to the NWC the files that we reclaimed last week and sanitized. This included the following: BATES #: 00449582 - 00449764; 00449943 - 00471793; 00471794 - 00479054; 00479055 - 00504418; and 00504419 - 00504420, consisting of the HQDA, DIA, DoD and Joint Staff, and ATF Damage Assessment. Additionally, we produced 1 additional spreadsheet with BATES #: 00505809-00506675. Note- this is a new "last BATES #" in the discovery.
6. Jencks and Giglio. The United States agrees that its obligations to search for, and produce, Giglio material differ from its obligations to search for, and produce, Jencks (RCM 914) material. The Government responds to your questions as follows:

Question 1. Yes.

Question 2. Yes. The United States searched for Brady information, to include Giglio material, when it conducted its William search. In addition to the general search of files, the United States submitted specific requests for Giglio material, based on each witness, to further exhaust its resources.

Question 3. Yes.

Thus far, the prosecution has produced any and all information that may constitute Giglio material from within its files. The United States continues its search for Brady/Giglio

material and will produce any such material as soon as possible. The United States anticipates completing its "to-date" search in the upcoming weeks. Finally, the United States does understand its continuing obligation to produce Brady, Giglio, and Jencks material.

v/r
Ashden

From: David Coombs [coombs@armycourt martialdefense.com]
Sent: Monday, August 13, 2012 7:27 PM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Jencks Notification (UNCLASSIFIED)

Ashden,

1. Thank you.
2. Thank you. I will look at this and let you know if I have any questions.
3. Understood.
4. I am hoping that you can provide this early enough in the day so that I will be able to incorporate the information into our filing for the 15th.
Depending upon your discovery response, we may either have a motion to compel or additional witnesses to add to the Article 13 list. Either could cause the need for an additional delay in the litigation of the motion. As mentioned when we submitted our discovery request two weeks ago, this is a time sensitive issue.
5. Thank you.
6. Thank you. Can you please provide me with a copy of the Giglio request submitted for each witness?

Best,
David

David E. Coombs, Esq.
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Providence, RI 02906
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From: [REDACTED]@dodiiis.mil]
Sent: Tuesday, August 14, 2012 10:21 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Cc: [REDACTED]
Subject: RE: Discovery Update

Not today. Tomorrow is better but not by much. Afternoon is ok around 2:00. [REDACTED]

[REDACTED]
Defense Intelligence Agency
[REDACTED]

From: Whyte, J Hunter CPT USARMY (US)
Sent: Tuesday, August 14, 2012 2:04 PM
To: [REDACTED]@state.gov'
Cc: Fein, Ashden MAJ USARMY MDW (US)
Subject: US v. Manning (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED],

Thank you for meeting with me earlier today. The prosecution team greatly appreciates all of your assistance!

[REDACTED],

I just have two time-sensitive questions for INR:

1. [REDACTED] told me you delivered two stacks of documents, one being what we tagged as Brady and another being what we tagged as otherwise discoverable. Were those two stacks all of the documents we tagged at [REDACTED] office?

2. Also please confirm which color tabs you consolidated as Brady. I saw your email to [REDACTED] about pink tabs, and just want to make sure we're consistent. Were only pink tabs consolidated as being Brady?

Thank you so much for all your help with this! I know going through those documents was no small feat!

v/r

Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: [REDACTED]@state.gov]
Sent: Tuesday, August 14, 2012 2:25 PM
To: Whyte, J Hunter CPT USARMY (US); [REDACTED]
Cc: Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: US v. Manning (UNCLASSIFIED)

Hunter,

The two stacks of documents that I copied from [REDACTED] office were from the chronological file. (There were other papers that were tabbed from the Chiefs of Mission assessment cables. However, it is my understanding that those same cables were produced by [REDACTED] team and reviewed by your prosecution team in SA-2. Therefore, I did not copy those documents.)

The color tabs I consolidated as Brady materials were those that had blue, pink or orange post-it notes on them, per your email to [REDACTED] on August 1st :

- Brady material is marked with a BLUE/ORANGE/PINK tag (approximately 170 documents)
- Otherwise discoverable material is marked with a YELLOW tag (approximately 225 documents)

As a result, the other pile of documents is the discoverable material that had yellow post-it notes on them.

I hope this is helpful. Please feel free to contact me should you have any other questions or concerns.

Thank you,

[REDACTED]

[REDACTED]

[REDACTED]

U.S. Department of State

2201 C St N.W. Room 3422

Washington, D.C. 20520

Phone: [REDACTED]

Fax: [REDACTED]

SBU

This email is UNCLASSIFIED.

From: [REDACTED]@cybercom.mil]
Sent: Tuesday, August 14, 2012 5:19 PM
To: Whyte, J Hunter CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: RE: Wikileaks (UNCLASSIFIED)

Gentlemen,

My apologies for any confusion cause by my earlier comment on NSA's equity review. With respect to the classified material, both TS and S, Cyber Command has no interest in asserting privilege or exercising any measures under MRE 505(g)(2).

Cyber Command does not want the material shared with the accused in light of his alleged prior mishandling of classified information.

Finally, Cyber Command would prefer for the Government to disclose the material to defense counsel in its own secure classified information facility.

Thank you.

[REDACTED]

From: Whyte, J Hunter CPT USARMY (US)
Sent: Wednesday, August 15, 2012 11:41 AM
To: coombs@armycourtmarshaldefense.com; Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US)
Subject: USCYBERCOM acknowledgement (UNCLASSIFIED)
Attachments: 120815-USCYBERCOM Discovery.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Gentlemen,

Last night, we received approval to disclose to the defense, or to make available for inspection (as explained in the attached memorandum), United States Cyber Command records that either involve investigation, damage assessment, or mitigation measures, or are otherwise material to the preparation of the defense. We will disclose, or make available for inspection, those records immediately after we receive the signed acknowledgements (attached), as explained in the attached memorandum.

Thank you all!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

From: Whyte, J Hunter CPT USARMY (US)
Sent: Wednesday, August 15, 2012 9:05 PM
To: [REDACTED] USARMY (US)
Cc: Fein, Ashden MAJ USARMY MDW (US); von Elten, Alexander S (Alec) CPT USARMY (US)
Subject: Time Sensitive Request for Information (UNCLASSIFIED)
Attachments: 120815-Request for Giglio Material (FBCH).pdf

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

I am one of the prosecutors in the court-martial of United States v. PFC Bradley Manning. Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to the Fort Belvoir Community Hospital. Please feel free to give me or CPT von Elten a call, if you have any questions concerning our request.

This request is time sensitive and we request the material no later than 31 August 2012.

Thank you!

v/r

Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, J Hunter CPT USARMY (US)
Sent: Wednesday, August 15, 2012 9:11 PM
To: [REDACTED]@usarec.army.mil'
Cc: von Elten, Alexander S (Alec) CPT USARMY (US); Fein, Ashden MAJ USARMY MDW (US)
Subject: Time Sensitive Request for Information (UNCLASSIFIED)
Attachments: 120815-Request for Giglio Material (USARC).pdf

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Per our discussion earlier today, attached you will find our request for Giglio (impeachment) material for witness(es) assigned to the United States Army Recruiting Command. Please feel free to give me or CPT von Elten a call, if you have any questions concerning our request.

This request is time sensitive and we request the material no later than 31 August 2012.

Thank you!

v/r

Hunter

Classification: UNCLASSIFIED
Caveats: NONE

From: Whyte, J Hunter CPT USARMY (US)
Sent: Thursday, August 16, 2012 8:22 AM
To: Fein, Ashden MAJ USARMY MDW (US); [REDACTED] USMC (US)
Cc: von Elten, Alexander S (Alec) CPT USARMY (US)
Subject: RE: Time Sensitive Request for Information (UNCLASSIFIED)
Attachments: 120816-Request for Giglio Material (Quantico).pdf

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

I apologize for the confusion, Sir. I have attached our request for Marine Corps Base Quantico to search for, preserve, and disclose to the prosecution any impeachment material of our witnesses for the upcoming Article 13 motion hearing.

Please do not hesitate to call me or CPT von Elten (cc'ed), if you have any questions. Thank you for your assistance!

v/r
Hunter

From: [REDACTED]@dodiis.mil]
Sent: Thursday, August 16, 2012 11:30 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: Docs

I can come over today at 1:30 and go thru what I need to see. Have to leave at 3:00 for the Pentagon. If this works tell me where to go. [REDACTED]

[REDACTED]
Defense Intelligence Agency
[REDACTED]

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Thursday, August 16, 2012 11:36 AM
To: [REDACTED]
Subject: RE: Docs

Sir,
Thank you. I replied via SIPR.

From: Whyte, J Hunter CPT USARMY (US)
Sent: Friday, August 17, 2012 12:56 PM
To: [REDACTED]@navy.mil'; [REDACTED]@navy.mil'
Cc: Fein, Ashden MAJ USARMY MDW (US)
Subject: Time Sensitive Request for Information (UNCLASSIFIED)
Attachments: 120817-Request for Giglio Material (Navy).pdf

Classification: UNCLASSIFIED

Caveats: NONE

Sir,

Thank you for speaking with me earlier today and for assisting in this matter. I have attached our request. Please do not hesitate to contact me if you have any questions.

Thank you, Sir!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, August 21, 2012 12:57 PM
To: David Coombs
Cc: 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US);
Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT
USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT
USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Jencks
Attachments: 120803-Government Notification to Defense of Jencks.pdf

David,

Good afternoon. After the explanation below, dated 13 August 2012, the defense did not file any motion for clarification or highlighting any issues with the government's planned procedures for obtaining Jencks material (as attached) on 17 August 2012. Is the defense not objecting to the government's proposed procedures? Please let us know ASAP, so we can notify the Court, properly respond to the defense motion to compel discovery 3, and start implementing our Jencks plan.

Thank you.

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, August 21, 2012 12:58 PM
To: [REDACTED]
Cc: Overgaard, Angel M CPT USARMY (US)
Subject: Chat

Sir,

Are you available for a quick chat? Thanks!

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, August 21, 2012 7:36 PM
To: David Coombs; 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Classified Information Access

David, MAJ Hurley and CPT Tooman,

Although we never received a defense request for SIPRNET access or onsite storage of classified information above "secret", the government considers the defense's motion to the Court a request and are working to determine the authorities and capabilities. In order to present the request to the appropriate authorities, we need to understand what type of access the defense is requesting, both with SIPRNET and storage locations. Additionally, can you please describe how the defense is currently using the three standalone computers, printer, forensic cube, etc. and why the current capability is not adequate moving forward. The defense motion does not address these questions.

We are trying to process this request in an expeditious manner, but these questions are already being asked of us and we need to answer them so the proper authorities can understand the issues and make their decisions on access to and storage of classified information.

Thank you!

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Wednesday, August 22, 2012 6:52 PM
To: David Coombs; Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Outstanding Emails
Attachments: Jencks; Classified Information Access
Importance: High

David, MAJ Hurley, and CPT Tooman,

The United States sent the defense two separate emails yesterday which are attached. We have not heard back from any defense counsel as of tonight.

1. Could you please respond to the defense's position on Jencks, so that we may notify the Court, and properly respond to the defense motion to compel discovery 3, and start implementing our Jencks plan before the end of the week?
2. Could you please respond to the questions about access to classified information so that we may coordinate with HQDA and other organizations about the requirements, and determine the capabilities and proper authorities? We are trying to process this request as fast as possible so we can provide the defense and Court an update next week.

Thank you!

v/r
Ashden

From: David Coombs [coombs@armycourtartialdefense.com]
Sent: Wednesday, August 22, 2012 7:03 PM
To: Fein, Ashden MAJ USARMY MDW (US); 'Hurley, Thomas F MAJ OSD OMC Defense'; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Outstanding Emails

Ashden,

1. Please refer to the Court's email on 26 July 2012;
2. This issue is currently under advisement with the Court.

Best,
David

David E. Coombs, Esq.
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From: [REDACTED]@dodiiis.mil]
Sent: Monday, August 27, 2012 10:47 AM
To: Fein, Ashden MAJ USARMY MDW (US)
Subject: follow-up

What's a good number and time to call you today?

[REDACTED]

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Monday, August 27, 2012 10:49 AM
To: [REDACTED]
Subject: Re: follow-up

Bb 202-450-8230. Anytime except 1130-1200.

From: Whyte, J Hunter CPT USARMY (US)
Sent: Tuesday, August 28, 2012 10:39 AM
To: [REDACTED] USA FORSCOM
Subject: RE: Time Sensitive Request for Information (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am writing you for a quick status update on our below request. The suspense for this material is Friday, 31 August 2012. Please do not hesitate to contact me if you have any questions.

Thank you!

v/r
Hunter

From: Whyte, J Hunter CPT USARMY (US)
Sent: Tuesday, August 28, 2012 10:41 AM
To: [REDACTED]@mail.mil'
Subject: RE: Time Sensitive Request for Information (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Sir,

I am writing you for a quick status update on our below request. The suspense for this material is Friday, 3 August 2012. Please do not hesitate to contact me if you have any questions.

Thank you!

V/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

-----Original Message-----

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 17, 2012 8:16 PM
To: [REDACTED]@mail.mil'
Cc: Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information

Sir - Round 2 -

I am the lead prosecutor in the court-martial of United States v. PFC Bradley Manning ("W!k!le@ks"). Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to your organization. This request is time sensitive and we request the material no later than 31 August 2012.

Thank you!

V/r

MAJ Fein

Ashden Fein

Major, US Army

202-685-4572 (direct / STE)

202-685-1975 (office)

Classification: UNCLASSIFIED

Caveats: NONE

From: Whyte, J Hunter CPT USARMY (US)
Sent: Tuesday, August 28, 2012 10:53 AM
To: [REDACTED] USAF USCENCOM CCJA-SJA
Subject: RE: Department of Air Force Civilian Employees - Witness at Manning Trial (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED],
Per your advice, we contacted [REDACTED] to inquire about any impeachment material on the CENTCOM witnesses for our court-martial. [REDACTED] is in the process of providing us with this material (if any) for the civilian witnesses. Thank you for pointing us in the right direction!

However, there are three military CENTCOM witnesses ([REDACTED]). [REDACTED] said he cannot pull information on those military witnesses. Are you able to assist, Ma'am?

Thank you!

v/r

J. Hunter Whyte
CPT, JA
Trial Counsel
United States Army Military District of Washington

From: Whyte, J Hunter CPT USARMY (US)
Sent: Tuesday, August 28, 2012 3:51 PM
To: [REDACTED] USAF USCENTCOM CCJA-SJA'
Subject: RE: Department of Air Force Civilian Employees - Witness at Manning Trial
(UNCLASSIFIED)

Classification: UNCLASSIFIED

Caveats: NONE

[REDACTED]

I searched both AKO and DEIDS to determine where [REDACTED] is stationed, but both databases say he is stationed at CENTCOM. I am looking for the Judge Advocate responsible for the command to which [REDACTED] is assigned. Can you point me in the right direction?

Thank you!

v/r
Hunter

From: Whyte, J Hunter CPT USARMY (US)
Sent: Tuesday, August 28, 2012 4:21 PM
To: [REDACTED] USAF USCENTCOM CCJA-SJA;
Cc: [REDACTED] RR USA USCENTCOM CCJA-SJA; [REDACTED] MIL USA
USCENTCOM CCJA-SJA; [REDACTED] MIL USAF USCENTCOM CCJA-SJA;
[REDACTED] MIL USAF USCENTCOM CCJA-SJA; [REDACTED]
Subject: RES USA USCENTCOM CCJA-SJA
RE: Department of Air Force Civilian and Military Employees - Witness at Manning Trial
(UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Ma'am,

Yes, Ma'am. I will coordinate with [REDACTED] for [REDACTED].

But [REDACTED] (who both AKO and DEIDS confirm is stationed at CENTCOM) is in the Army.
Does your office have access to his personnel file or is there someone else I should contact?

v/r
Hunter

From: [REDACTED]@state.gov]
Sent: Wednesday, August 29, 2012 2:29 PM
To: [REDACTED]
Cc: Whyte, J Hunter CPT USARMY (US); [REDACTED]
Subject: RE: Paralegal Task (UNCLASSIFIED)
Attachments: RE Paralegal Clearances; FW Paralegal Clearances

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]

Could you please make arrangements for Hunter Whyte and one of the Army prosecutors' paralegals to visit IPS next Wednesday to record the WPAR meetings and times? DS has verified the clearances of their paralegals (see attached).

Many thanks,

[REDACTED]

This email is UNCLASSIFIED.

From: Whyte, J Hunter CPT USARMY (US) [<mailto:jeffrey.h.whyte.mil@mail.mil>]
Sent: Wednesday, August 29, 2012 12:51 PM
To: [REDACTED]
Subject: Paralegal Task (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

[REDACTED]

Can we schedule a day/time early next week for me and one of our paralegals to record the different WPAR meetings and times? Does Wednesday (9/5) work for everyone?

Thank you!

v/r

Hunter

Classification: UNCLASSIFIED

Caveats: NONE

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, September 04, 2012 9:40 AM
To: [REDACTED]
Subject: RE: Court Ruling

Sir,

Good morning. Now that the summer rotation is ending, we need to return one blue badge for SGT Dan Waybright (he is ETSing), and can we obtain 3 new ones for our newest paralegals-info is below:

- (1) SGT Claire Joms, [REDACTED]
 - (2) SGT Derek Clark, [REDACTED]
 - (3) SGT Amber McLamb, [REDACTED]
- [REDACTED]

Thanks!

v/r
Ashden

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, September 11, 2012 9:12 AM
To: [REDACTED]
Cc: [REDACTED] Whyte, J Hunter CPT USARMY (US); Ford, Arthur D Jr
Subject: RE: Time Sensitive Request for Information
Attachments: DIA.PDF

Sir,

Good morning. Could you please direct me to the most appropriate member of the GC's office to obtain an update on the below email and attached request?

Thank you!

v/r
MAJ Fein

-----Original Message-----

From: Fein, Ashden MAJ USA JFHQ-NCR/MDW SJA
Sent: Tuesday, July 17, 2012 8:20 PM
To: [REDACTED]
Cc: [REDACTED]; Whyte, Jeffrey H. CPT USA JFHQ-NCR/MDW SJA; Ford, Arthur D. CW2 USA JFHQ-NCR/MDW SJA; Diefenbach, Katherine M. CPT USA JFHQ-NCR/MDW SJA
Subject: Time Sensitive Request for Information

Sir,

Good evening. Attached you will find the prosecution's request for Giglio (impeachment) material for witness(es) assigned to your organization. This request is time sensitive and we request the material no later than 31 August 2012.

Thank you for the continued support!

V/r

MAJ Fein

Tracking:

From: Fein, Ashden MAJ USARMY MDW (US)
Sent: Tuesday, September 11, 2012 1:52 PM
To: 'Hurley, Thomas F MAJ OSD OMC Defense'; David Coombs; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Update
Attachments: 110910-Memo from DMPO.pdf

David and MAJ Hurley,

OMC. With the assistance of ARCYBER, a site survey team consisting of information assurance, information technology, and physical security will inspect your office, discuss the IT structure of your network that rides on SIPRNET, your email accounts, and the physical space for higher than secret information. As stated on the record, the government is willing to support most of the defense's request, if certain protections and accountability measures are in place, and the purpose of this survey is to understand what exists.

505(h). We can have the material ready for the defense's review on 25 Sep 12 at the Fort Myer TDS office. As for the timeliness- we cannot estimate how much time we will need until we receive the material and send it to the equity holder. We will start processing the request once we receive it.

Client Travel. What day/time would the defense like to meet with PFC Manning before the next session on 17 Oct 12?

Client Pay. Attached is a memorandum we received from the DMPO about your clients pay. We are still working through the details. MTF.

v/r
Ashden

-----Original Message-----

From: Hurley, Thomas F MAJ OSD OMC Defense [<mailto:Thomas.Hurley@osd.mil>]
Sent: Tuesday, September 11, 2012 9:59 AM
To: Fein, Ashden MAJ USARMY MDW (US); David Coombs; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Eiten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: RE: Update

MAJ Fine

As far as OMC is concerned, can we be more specific? What do you and your people want to see and, as important, what is the Government willing to do? (For instance, would you ever allow for storage over here at a higher-than-secret level?) I am happy to continue this discussion over SIPRNET if that is the appropriate venue.

505(h). We anticipate that we will meet with our experts on 25 September 2012 at some location on Fort Myer for another purpose. Will that meeting (two weeks hence) be timely? Or should we coordinate something sooner?

Thanks.

MAJ Hurley

-----Original Message-----

From: Fein, Ashden MAJ USARMY MDW (US) [mailto:ashden.fein.mil@mail.mil]
Sent: Monday, September 10, 2012 2:37 PM
To: David Coombs; Hurley, Thomas F MAJ OSD OMC Defense; Tooman, Joshua J CPT USARMY (US)
Cc: Morrow, JoDean (Joe) III CPT USARMY USAMDW (US); Overgaard, Angel M CPT USARMY (US); Whyte, J Hunter CPT USARMY (US); von Elten, Alexander S (Alec) CPT USARMY (US); Ford, Arthur D Jr CW2 USARMY (US)
Subject: Update

Defense,

Good afternoon. Please see below.

1. OMC Office. We are ready to finalize the coordination to conduct a site survey of the OMC offices for use of SIPRNET and storage of certain classified information. Please provide the proposed dates and times for later this week so we can coordinate with those attending and can work with security offices to ensure everyone has the appropriate clearances.
2. MRE 505(h) notice. As per the agreed upon procedure for providing specificity with the MRE 505(h) notice, we are available to make a copy of the damage assessments available for inspection so that you may mark the information which you intend to use at trial. Please let us know when you would like to meet with your security experts present, and we will have a copy brought to an appropriate government facility for the marking.
3. Diplomat Visit. We were informed last week, that a German parliamentarian requested the German Ambassador's assistance to coordinate a meeting with your client. We do not know who would be visiting or the purpose of the visit. If this German government official was to visit, could you please let us know whether your client would add him/her to his visitor's list. We owe a response to the appropriate authorities.

Thank you.

v/r
Ashden

Tracking:

Appellate Exhibit 339
Enclosure 1 (portion sealed)
6 pages
ordered sealed for Reason 6
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

Appellate Exhibit 339

Enclosure 2

274 pages

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 3

10 October 2012

8 SPECIAL AGENT TROY BETTENCOURT, United States Treasury
9 Department, was called as a witness by the government, was
10 sworn, and testified in substance as follows:
11

12 DIRECT EXAMINATION
13

14 Questions by Assistant Trial Counsel 1:
15

16 I began working for the Treasury Department just this
17 month. I am assigned to the computer forensics team providing
18 computer forensics support in support of criminal investigations
19 into civil and criminal infractions. Before I started working
20 for the Treasury Department I used to work for the Army's CID,
21 Computer Crimes Investigative Unit, I actually have two tours
22 there. One of my tours was from November of last year until
23 December of this year and then the other tour was from 2001
24 until 2005. On my last tour I was a special agent assigned to
25 the intrusion team and was primarily assigned to this particular
26 investigation. I do have a background in computers. I have
27 received training from both government and commercial providers
28 specifically. I have earned my computer evidence recovery
29 specialist certification from FLETC at the federal law
30 enforcement training center in Georgia, I earned my network
31 security certified professional certification from learning
32 center international, my EnCase certified examiner certification
33 from guidance software, my access data certified examiner
34 certification from access data, as well as a digital media
35 collector certification from the DC3, the defense cyber crime
36 center. I have testified before in a computer crimes case in
37 front of a federal grand jury for an international computer
38 hacking investigation and then multiple times in support of
39 general crimes, drugs, and sex crimes investigations.
40

41 WikiLeaks was founded in 2006 by Julian Assange, he is an
42 Australian national. They describe themselves and Mr. Assange
43 describes them as an intelligence agency of the people.
44 Basically, they aren't bound to any government or corporate
45 entity, sort of like an open source intelligence repository.
46 About the same time that the organization was established and
47 the website was established, the website solicited submissions

1 that we're looking at now is a twitter feed, you can see at the
2 top left it mentions WikiLeaks, it has their logo, or one of the
3 logos that they were using and it says that they are looking for
4 a database called, "Treasure Map," regarding IP, meaning
5 Internet protocol addresses that they want access to and it
6 appears that they are soliciting someone to provide it to them.
7 That feed was provided 16 February 2010.

8
9 That image is an additional tweet from WikiLeaks which is
10 dated May 7, 2010, and they are asking for a list of as many
11 .mil e-mail addresses as possible, so meaning e-mail addresses
12 relating to military domains.

13
14 I am familiar with the charges and specifications. 18
15 February 2010, they released a Department of State cable
16 entitled, "Reykjavik 13," it was a Department of State cable
17 that documented what is commonly referred to as the, "Ice Save
18 Incident," it was a failing Icelandic bank that caused some
19 problems between Britain and the Netherlands and Iceland. On 15
20 March 2010, they released an Army Counterintelligence Center
21 report pertaining to WikiLeaks. On 5 April 2010, they released
22 an edited version of an Apache weapons team video of an incident
23 that occurred in Iraq along with the Iraq rules of engagement.
24 They both were released on the same day. WikiLeaks termed it,
25 "collateral murder," that is sort of the common term for it.

26
27 On 25 July 2010, they released what they have called, "the
28 Afghan war diary." It is approximately 76,000 out of 90,000
29 incidents that were in the CIDNE/Afghanistan database. On 22
30 October 2010, they released the corresponding, "Iraq war diary."
31 It is about 400,000 incidents that came from the CIDNE/Iraq
32 database. The reports ranged from 1 January 2004 until 31
33 December 2009. On 28 November 2010, just after Thanksgiving
34 they started to release the Department of State cables, they
35 commonly referred to it as, "Cable gate," and that release
36 continued for quite some time.

37
38 Between 24 April and 21 June 2011, they released detainee
39 assessment briefs, documents pertaining to detainees at
40 Guantánamo Bay, Cuba. In total they released 765 detainee
41 assessment briefs out of 779 they claim to have in their
42 possession. They were released in small batches, large batches,
43 it just sort of trickles out. On 20 August 2011, they released
44 the entire amount of documents in their possession, 251,287
45 Department of State cables and they were in unredacted form.
46 They made that available on the Internet.

Appellate Exhibit 339

Enclosure 4

8 pages

ordered sealed for Reason 6

Military Judge's Seal Order

dated 20 August 2013

stored in the original Record
of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 5

10 October 2012

MEMORANDUM OF MILITARY MAGISTRATE'S CONCLUSIONS

DATE: 30 MAY 10
NAME OF CONFINEE: BRADLEY E. MANNING Rank: PTC SSN: 945-98-7504
UNIT: HHC, 2d BCT, 10th MTN DIV

TO: SEE DISTRIBUTION

1. On 30 MAY 10, I reviewed the circumstances concerning the continued pretrial confinement of the above named confinee. Based on this review, I have determined by a preponderance of the evidence that there (is) (is not) probable cause to believe that an offense triable by courts-martial has been committed and that the confinee (did) (did not) commit it. Further, I find that continued pretrial confinement (is) (is not) warranted and release from pretrial confinement (is) (is not) warranted because

- (A) I: (is) (is not) foreseeable that the confinee will not appear for trial, pretrial hearing or investigation,
or
(B) (is) (is not) foreseeable that the confinee will engage in serious criminal misconduct; and
(C) Less severe forms of restraint (are) (are not) adequate.

2. My conclusions and the factual findings on which they are based are:

SEE ATTACHED MEMO

3. A copy of all documents that I considered are listed below, are attached to the original of this memorandum, and may be inspected in the office of the undersigned.

4. The (Cdr) (IC) has advised that the anticipated level of disposition is: (GCM) (SPCM) (SCM)

5. The confinee was notified of my decision on 30 MAY 10.

6. A continuation sheet (is not attached) (is attached and consists of 4 pages.)

When the confinee is ordered released, complete the below:

(7) _____ was notified of my order to release the confinee on _____.

DISTRIBUTION

Cdr. Confinement Facility, Fort _____

Trial Counsel, _____

Defense Counsel, _____

Military Judge, _____

ENCLOSURES

1. Pretrial Confinement Checklist

2. Confinement Order

() Charge Sheet


CPT JA
Military Magistrate

() Statement(s) of _____
() _____

Encl 13



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
UNITED STATES DIVISION-CENTER
CAMP LIBERTY, IRAQ
APO AE 09344

AETV-THH

30 May 2010

MEMORANDUM FOR Commander, Headquarters and Headquarters Company, 2d Brigade
Combat Team, 10th Mountain Division, COS Hammer, Iraq APO AE 09308

SUBJECT: Military Magistrate's Conclusions re: Pre-trial Confinement Review for PFC
Bradley E. Manning, Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th
Mountain Division, COS Hammer, Iraq APO AE 09308

1. Scope: The scope of this legal review is limited to whether there is probable cause to believe that an offense triable by courts-martial has been committed and that the confinee committed it, and to determine whether continued pretrial confinement is warranted because it is foreseeable that the confinee will engage in serious criminal misconduct and whether less severe forms of restraint are adequate. Foreseeability that the confinee will not appear for trial was not in question as both parties agreed he was not likely to absent himself.

2. Conclusion: I have reviewed the Command's decision to confine PFC Manning, and I have determined that continued pretrial confinement is **warranted**. In making this determination, I arrived at the following conclusions:

- a. There is **sufficient** evidence to believe that offenses triable by courts-martial **have** been committed.
- b. There is **sufficient** evidence to suggest that PFC Manning committed the offenses.
- c. I **do believe** that PFC Manning will engage in serious criminal misconduct if released.
- d. Lastly, there is **evidence** that lesser forms of restraint are inadequate.

3. Significant Factual Findings:

- a. PFC Manning has a history of documented mental instability and increasingly violent outbursts beginning 18 December 2009.
- b. Around June 2009, PFC Manning was counseled for missing formation. In response, he clenched his fists, his neck and eyes bulged, and his face contorted. He yelled numerous times before collecting himself.
- c. PFC Manning was counseled on three separate occasions between 18 December 2009 and 20 December 2009 for lateness. During the third counseling, he yelled and flipped a table

toward the two supervisors counseling him. The command took the bolt from his weapon, placed him on twenty-four hour quarters watch, and directed a psychiatric evaluation.

d. On 30 December 2009, PFC Manning shoved a chair and yelled during a counseling session for losing the key to his room.

e. On 8 May 2010, PFC Manning struck a female Soldier in the face with a closed fist. SPC Jihreah Shoman was at her desk conducting a search on a computer. PFC Manning became agitated at SPC Shoman's actions because he had already performed the search. After pacing back and forth behind SPC Shoman, swinging his arms, PFC Manning struck her in the jaw with a closed fist. PFC Manning was again referred to Behavioral Health.

f. On 22 May 2010, CPT Edan Critchfield, a psychiatrist, performed a Behavioral Health Evaluation (BHE) on PFC Manning finding he had an occupational problem and adjustment disorder with mixed disturbance of emotions and conduct. CPT Critchfield reported PFC Manning had a "moderate" risk of self harm, AWOL, and harm to others and recommended that the command remove the bolt from his weapon.

g. On 27 May 2010, CID was notified that PFC Manning is suspected of unlawfully obtaining and releasing sensitive data, including TS-SCI and CABLE clearance documents. This was reported by a reliable non-government intelligence agency.

h. On 24 May 2010, a reliable confidential informant provided the agency with credible information that PFC Manning illegally disseminated classified information to several individuals over the internet.

i. On 27 May 2010, CID executed a valid search warrant, seizing several items, including one personal computer, one hard drive from the SIPR computer of SPC Sheri Walsh, on digital camera, two SIPR computers known to be used by PFC Manning, and a compact disc with "Secret" markings and labeled "12 Jul 07 Chopper Reuters." The disc was discovered in a United States Postal Service mailing box, prepared to be shipped.

j. After assaulting his co-worker, PFC Manning was assigned to a position without SIPR access. PFC Manning approached another Soldier about using her SIPR computer to scan and print documents labeled "Secret". PFC Manning told the Soldier he was acting at the direction of his NCOIC. He requested that the Soldier delete the emails and empty the "Deleted Items" box from her computer. PFC Manning's NCOIC had no knowledge of the PFC Manning's request to scan and print Secret documents.

k. During the investigation, PFC Manning was placed under supervision and required an escort; his access to computers and other electronic devices was revoked. With his escorts present, PFC Manning managed to hand a piece of paper with his email address and password to another Soldier and asked her to check his email for him.

4. Analysis:

a. **Probable cause.** I have accepted the Government's position that there is probable cause to believe that a crime has been committed and that PFC Manning committed the crime. It is my belief that the Government takes these charges seriously and intends to refer this matter to a General Court Martial (GCM), based on the evidence that is currently available. Furthermore, at least one of the charges carries a maximum punishment that can only be rendered at a GCM.

b. **Propensity to commit a serious offense.** I believe PFC Manning will engage in additional serious misconduct if released. PFC Manning poses a physical threat to those around him and a threat to national interests. He has an increasing propensity for violence and recently struck a female co-worker with a closed fist. On 22 May 2010 he was characterized by a psychiatrist as a "moderate" risk to others. After a subsequent BHE, dated 28 May 2010, PFC Manning was evaluated to be a "high" risk to himself and others. Additionally, PFC Manning remains a threat to national interests if released. PFC Manning indicated he collected declassified materials for over a year. It is unknown how much information he collected or how the information is stored. It is highly likely that if PFC Manning is released he will continue to commit physical acts of violence or leak additional classified information to the detriment of national interests.

c. **Lesser forms of restraint.** The conditions on liberty which are necessary to safeguard Soldiers and national security are tantamount to confinement. PFC Manning must be confined under law. His history of violent behavior and the BHE results indicate PFC Manning presents a "high" risk of harming others. There is no way, short of confinement, to ensure PFC Manning is denied access to a computer which he could use to release classified information or to ensure the safety of Soldiers around him.

5. A copy of all documents that I considered is attached to the original of this memorandum, and may be inspected in the office of the undersigned.

6. The Government counsel has advised that the anticipated level of disposition is a General Court-Martial.

7. The confinee and the government were notified by me of my decision and its basis on 30 May 2010.



KEVIN M. LEY
CPT, JA
Military Magistrate

Exhibits

A - 72 Hour Commander's Review (CPT Freeburg)
B - Confinement Order (29 May 10)
C - Confinement Checklist (29 May 10)
D - SA Graham's Supporting Affidavit
E - Article 15: PFC Manning (24 May 10)
F - DA Form 4856 (17 May 10)
G - Statement: SPC Showman (8 May 10)
H - Statement: SPC Shimm (8 May 10)
I - Statement: PFC Bales (8 May 10)
J - Statement: SSG Taua (8 May 10)
K - MFR: SPC Schwab (29 May 10)
L - MFR: MSG Adkins (21 Dec 09)
M - MFR: MSG Adkins (26 Apr 10)
N - MFR: MSG Adkins (8 May 10)
O - DA Form 5248-R (9 May 10)
P - ERB: PFC Manning
Q - BHE (22 May 10)
R - BHE (28 May 10)
S - PTC Rights Advisement (29 May 10)

UNITED STATES OF AMERICA)

v.)

Manning, Bradley E.)
PFC, U.S. Army,)
HHC, U.S. Army Garrison,)
Joint Base Myer-Henderson Hall)
Fort Myer, Virginia 22211)

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 6

10 October 2012

ORIGINAL

CONFINEMENT ORDER				
1. PERSON TO BE CONFINED			2. DATE (YYYYMMDD)	
a. NAME (Last, First, Middle) MANNING, Bradley E.		b. SSN [REDACTED]		20100529
c. BRANCH OF SERVICE Army	d. GRADE E-3	e. MILITARY ORGANIZATION (From): HHC, 2d BCT, 10th MTN DIV (LI), COS Hammer, Iraq, APO AE 09308		
TYPE OF CONFINEMENT				
3.a. PRE-TRIAL <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES		b. RESULT OF NJP <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES		
c. RESULT OF COURT MARTIAL: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES				
TYPE: <input type="checkbox"/> SCM <input type="checkbox"/> SPCM <input type="checkbox"/> GCM <input type="checkbox"/> VACATED SUSPENSION				
d. DNA PROCESSING <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT REQUIRED UNDER 10 U.S.C. 1565.				
4. OFFENSES/CHARGES OF UCMJ ARTICLES VIOLATED: Article 128: Assault Committed by a Battery; Article 134 (18 U.S.C. § 793: Wrongful Transmission of Defense Information)				
5. SENTENCE ADJUDGED:			b. ADJUDGED DATE (YYYYMMDD):	
6. IF THE SENTENCE IS DEFERRED, THE DATE DEFERMENT IS TERMINATED:				
7. PERSON DIRECTING CONFINEMENT				
a. TYPED NAME, GRADE AND TITLE: MATTHEW W. FREEBURG CPT, AD, Commanding		b. SIGNATURE <i>[Signature]</i>		c. DATE (YYYYMMDD) 20100529
8.a. NAME, GRADE, TITLE OF LEGAL REVIEW AND APPROVAL CHRISTOPHER D. GOREN CPT, JA, Trial Counsel		b. SIGNATURE <i>[Signature]</i>		c. DATE (YYYYMMDD) 20100529
MEDICAL CERTIFICATE				
9a. The above named inmate was examined by me at <u>1735</u> on <u>20100529</u> and found to be <input checked="" type="checkbox"/> Fit <input type="checkbox"/> Unfit for confinement. I certify that from this examination the execution of the foregoing sentence to confinement <input type="checkbox"/> will <input checked="" type="checkbox"/> will not produce serious injury to the inmate's health.				
b. The following irregularities were noted during the examination (If none, so state):				
c. HIV Test administered on (YYYYMMDD): <u>200908 Aug 07</u>				
d. Pregnancy test administered on (YYYYMMDD): <u>N/A</u>				
10. EXAMINER				
a. TYPED NAME, GRADE AND TITLE: CPT, MC, USA		b. SIGNATURE <i>[Signature]</i>		c. DATE (YYYYMMDD) 20100529
2BCT Surgeon, 10th MTN D.		d. TIME 1735		
RECEIPT FOR INMATE				
11.a. THE INMATE NAMED ABOVE HAS BEEN RECEIVED FOR CONFINEMENT AT: <u>TFCE, CAMP ABUJAN</u> (Facility Name and Location)				
ON <u>20100531</u> AND TIME: <u>1320</u> (YYYYMMDD) (Time)				
b. PERSON RECEIPTING FOR INMATE TYPED NAME, GRADE AND TITLE FANT, PATRICIA E-6 PSB		c. SIGNATURE <i>[Signature]</i>		d. DATE (YYYYMMDD) 20100531
				e. TIME 1320

DD FORM 2707, SEP 2005

PREVIOUS EDITION IS OBSOLETE.

Adobe Professional 7.0

ORIGINAL

CHECKLIST FOR PRETRIAL CONFINEMENT

For use of this form, see AR 27-10; the proponent agency is OTJAG

NAME Manning, Bradley E.		GRADE E-3	UNIT HHC, 2d BCT, 10th MTN DIV (LI)
AGE 22		ETS 20111001	TOTAL SERVICE TO DATE 2 Years, 7 Months
MARRIED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		WIFE/HUSBAND IN LOCAL AREA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	NUMBER OF CHILDREN <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input checked="" type="checkbox"/> OTHER (Specify) 0
NUMBER OF ARTICLE 15's: 1			
DATE 24 May 2010	OFFENSE Article 128 - Assault Consummated by a Battery		PUNISHMENT Reduction to Private First Class (E-3), and Forfeiture of \$446.00.
NUMBER OF PREVIOUS CONVICTIONS: 0			
TYPE OF COURT	DATE	ARTICLE	PUNISHMENT
NUMBER OF PRESENT OFFENSES:			
ARTICLE	DATE	DESCRIPTION OF OFFENSE (If AWOL, from-to, etc., and whether surrendered or apprehended)	
Article 134 (18 U.S.C. § 793)	28 May 2010	Wrongful Transmission of Defense Information	
Article 128	8 May 2010	Assault Consummated by a Battery	
PRETRIAL CONFINEMENT IS APPROPRIATE BECAUSE:			
a. There is probable cause to believe an offense has been committed by the accused (List specific reasons why it is believed an offense has been committed by the accused.) See attached 72-hour memorandum, dated 29 May 2010			

b. To ensure the accused's presence at trial, pretrial hearing or investigation (List specific reasons why it is believed the accused may not be present and summarize the conduct of the accused which warrants pretrial confinement and tends to indicate the accused is not likely to be available for trial, pretrial hearing or investigation.)

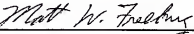

See attached 72-hour memorandum, dated 29 May 2010

c. To prevent foreseeable serious criminal misconduct including any efforts at obstructing justice (List specific reasons why it is believed the accused may commit acts of serious criminal misconduct if not incarcerated, particularly if these acts pose a threat to others, the command or national security, and summarize the conduct of the accused which warrants pretrial confinement and tends to indicate the accused may commit future acts of serious criminal misconduct.)

See attached 72-hour memorandum, dated 29 May 2010

d. Lesser forms of restraint are inadequate. (List the alternatives that have proven inadequate or summarize the reasons why it is believed such alternatives would be inadequate.)

See attached 72-hour memorandum, dated 29 May 2010.

DATE (YYYYMMDD) 20100529	TYPED NAME, RANK, AND ORGANIZATION OF COMMANDER MATTHEW W. FREEBURG. CPT, HHC. 2D BCT	SIGNATURE 
DECISION OF MILITARY MAGISTRATE		
TO: (Addressee(s))		
On 20100530, I reviewed the circumstances concerning the continued pretrial confinement of (Date) (YYYYMMDD) <u>PFC BRADLEY E. MANNING</u> Based upon this review, I: (Check appropriate statement) (Name) <input checked="" type="checkbox"/> Determined that continued pretrial confinement is warranted <input type="checkbox"/> Determined that continued pretrial confinement is not warranted and order his/her release from pretrial confinement.		
TYPED NAME, GRADE, AND BRANCH OF MILITARY MAGISTRATE Kevin M. Lacy CPT, JA		SIGNATURE 

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 7

10 October 2012

CHARGE SHEET

1 NAME OF ACCUSED (Last, First, MI) MANNING, Bradley E.			2 SSN [REDACTED]		3 GRADE OR RANK PFC	4 PAY GRADE E-3
5 UNIT OR ORGANIZATION Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Contingency Operating Station Hammer, Iraq, APO AF 09308			6 CURRENT SERVICE a INITIAL DATE 2 OCT 07 b TERM 4 years			
7 PAY PER MONTH a BASIC \$1813.20 b SEA/FOREIGN DUTY \$100.00 c TOTAL \$1913.20			8 NATURE OF RESTRAINT OF ACCUSED Pre-Trial Confinement		9 DATE(S) IMPOSED 29 MAY 10	

II. CHARGES AND SPECIFICATIONS

10 CHARGE 1: VIOLATION OF THE UCMJ, ARTICLE 92

SPECIFICATION 1: In that Private First Class Bradley E. Manning, U.S. Army, did, between on or about 19 November 2009 and on or about 27 May 2010, at or near Contingency Operating Station Hammer, Iraq, violate a lawful general regulation, to wit: Paragraph 4-6(k), Army Regulation 25-2, dated 24 October 2007, by wrongfully introducing a classified video of a military operation filmed at or near Baghdad, Iraq, on or about 12 July 2007, onto his personal computer, a non-secure information system.

SPECIFICATION 2: In that Private First Class Bradley E. Manning, U.S. Army, did, between on or about 19 November 2009 and on or about 27 May 2010, at or near Contingency Operating Station Hammer, Iraq, violate a lawful general regulation, to wit: Paragraph 4-6(k), Army Regulation 25-2, dated 24 October 2007, by wrongfully introducing more than 50 classified United States Department of State cables onto his personal computer, a non-secure information system.

SPECIFICATION 3: In that Private First Class Bradley E. Manning, U.S. Army, did, between on or about 19 November 2009 and on or about 27 May 2010, at or near Contingency Operating Station Hammer, Iraq, violate a lawful general regulation, to wit: Paragraph 4-6(k), Army Regulation 25-2, dated 24 October 2007, by wrongfully introducing a classified Microsoft Office PowerPoint presentation onto his personal computer, a non-secure information system.

(SEE CONTINUATION SHEET)

III. PREFERRED

11a NAME OF ACCUSER (Last, First, MI) FREEBURG, Matthew W.	b GRADE O-3	c ORGANIZATION OF ACCUSER HHC, 2d BCT, 10th MTN Div (LI)
d SIGNATURE OF ACCUSER <i>Matthew W. Freeburg</i>	e DATE (YYYYMMDD) 2010 105	

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 05 day of July, 2010, and signed the foregoing charges and specifications under oath that he is a person subject to the Uniform Code of Military Justice and that he either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his knowledge and belief.

CHRISTOPHER D. GOREN

Typed Name of Officer

2d BCT, 10th MTN Div (LI)

Organization of Officer

O-3

Grade

Trial Counsel

Official Capacity to Administer Oath
(See R.C.M. 307(b) - must be a commissioned officer)

Signature

On 5 July 2010, the accused was informed of the charges against him and of the name(s) of the accuser(s) known to me (See R C M 308 (a)). (See R C M 308 if notification cannot be made.)

MATTHEW W. FREEBURG

Typed Name of Immediate Commander

HHC, 2d BCT, 10th MTN Div (LI)

Organization of Immediate Commander

()-3

Grade

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

The sworn charges were received at 2000 hours 5 July 2010 HQ, 2d BSTB, 2d BCT.

Designation of Command or

COS Hammer, Iraq, APO AE 09308

Officer Exercising Summary Court-Martial Jurisdiction (See R C M 403)

FOR THE ¹

PAUL R. WALTER

Typed Name of Officer

Commanding

Official Capacity of Officer Signing

()-5

Grade

Signature

V. REFERRAL; SERVICE OF CHARGES

14a DESIGNATION OF COMMAND OF CONVENING AUTHORITY

b PLACE

c DATE (YYYYMMDD)

Referred for trial to the _____ court-martial convened by _____

20

subject to the following instructions ²

By _____

of _____

Command or Order

Typed Name of Officer

Official Capacity of Officer Signing

Grade

Signature

On _____ 20 _____, I (caused to be) served a copy hereof on ~~each of~~ the above named accused

Typed Name of Trial Counsel

Grade or Rank of Trial Counsel

Signature

FOOTNOTES ¹ — When an appropriate commander signs personally inapplicable words are stricken

² — See R C M 601(e) concerning instructions. If none, so state

Item 10 (Cont'd):

SPECIFICATION 4: In that Private First Class Bradley E. Manning, U.S. Army, did, between on or about 19 November 2009 and on or about 3 April 2010, at or near Contingency Operating Station Hammer, Iraq, violate a lawful general regulation, to wit: Paragraph 4-5(a)(3), Army Regulation 25-2, dated 24 October 2007, by wrongfully adding unauthorized software to a Secret Internet Protocol Router network computer.

CHARGE II: VIOLATION OF THE UCMJ, ARTICLE 134

SPECIFICATION 1: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 19 November 2009 and on or about 5 April 2010, have unauthorized possession of photographs relating to the national defense, to wit: a classified video of a military operation filmed at or near Baghdad, Iraq, on or about 12 July 2007, and did willfully communicate, deliver and transmit the video, or cause the video to be communicated, delivered, and transmitted, to a person not entitled to receive it, in violation of 18 U.S. Code Section 793(e), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

SPECIFICATION 2: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 19 November 2009 and on or about 5 April 2010, knowingly exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information that has been determined by the United States Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of national defense, to wit: a classified video of a military operation filmed at or near Baghdad, Iraq, on or about 12 July 2007, and did willfully communicate, deliver and transmit the video, or cause the video to be communicated, delivered and transmitted, to a person not entitled to receive it, with reason to believe that such information could be used to the injury of the United States or the advantage of any foreign nation, in violation of 18 U.S. Code Section 1030(a)(1), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

SPECIFICATION 3: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 13 January 2010 and on or about 19 February 2010, knowingly exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information that has been determined by the United States Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of foreign relations, to wit: a classified United States Department of State cable titled "Reykjavik 13," and did willfully communicate, deliver and transmit the cable, or cause the cable to be communicated, delivered, and transmitted, to a person not entitled to receive it, with reason to believe that such information could be used to the injury of the United States or the advantage of any foreign nation, in violation of 18 U.S. Code Section 1030(a)(1), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

Item 10 (Cont'd):

SPECIFICATION 4: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 19 November 2009 and on or about 24 May 2010, knowingly exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information that has been determined by the United States Government pursuant to an Executive Order or statute to require protection against unauthorized disclosure for reasons of foreign relations, to wit: more than 50 classified United States Department of State cables, and did willfully communicate, deliver and transmit the cables, or cause the cables to be communicated, delivered, and transmitted, to a person not entitled to receive them, with reason to believe that such information could be used to the injury of the United States or the advantage of any foreign nation, in violation of 18 U.S. Code Section 1030(a)(1), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

SPECIFICATION 5: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 19 November 2009 and on or about 5 April 2010, intentionally exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information from the United States Department of Defense, to wit: a classified video of a military operation filmed at or near Baghdad, Iraq, on or about 12 July 2007, in violation of 18 U.S. Code Section 1030(a)(2), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

SPECIFICATION 6: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, between on or about 13 January 2010 and on or about 19 February 2010, intentionally exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information from the United States Department of State, to wit: a classified cable titled "Reykjavik 13," in violation of 18 U.S. Code Section 1030(a)(2), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

SPECIFICATION 7: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on divers occasions, between on or about 19 November 2009 and on or about 27 May 2010, intentionally exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information from the United States Department of State, to wit: more than 150,000 diplomatic cables, in violation of 18 U.S. Code Section 1030(a)(2), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

CONTINUATION SHEET 3, DA FORM 458, MANNING, Bradley
Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division
(Light Infantry), Contingency Operating Station Hammer, Iraq, APO AE 09308

Item 10 (Cont'd):

SPECIFICATION 8: In that Private First Class Bradley E. Manning, U.S. Army, did, at or near Contingency Operating Station Hammer, Iraq, on divers occasions, between on or about 19 November 2009 and on or about 27 May 2010, intentionally exceed his authorized access on a Secret Internet Protocol Router network computer and obtain information from the United States Department of Defense, to wit: a classified Microsoft Office PowerPoint presentation, in violation of 18 U.S. Code Section 1030(a)(2), such conduct being prejudicial to good order and discipline in the armed forces and being of a nature to bring discredit upon the armed forces.

(END OF CHARGES)

COURT-MARTIAL CHARGES TRANSMITTAL FORM

PART I

TO: Commander, 2d BSTB, 2d BCT,
10th MTN Div (LI), APO AE 09308

FROM: Commander, HHC, 2d BCT,
10th MTN Div (LI), APO AE 09308

DATE:

5 July 2010

Court-Martial charges against the following named individual are forwarded as Enclosure 1. Soldier is not pending chapter action UP AR 635-200.

NAME:

Manning, Bradley, E.

RANK:

PFC

SSN:

UNIT:

HHC, 2d BCT 10th MTN Div (LI), COS Hammer, Iraq, APO AE 09308

Recommend:

☐ Summary Court-Martial

☐ Special Court-Martial (BCD)

☐ Special Court-Martial

☒ General Court-Martial

NAME OF COMMANDER

SIGNATURE OF COMMANDER

MATTHEW W. FREEBURG, CPT, AD, CDR

Matthew W. Freeburg

PART II

TO: Commander, 2d BCT, 10th MTN
Div (LI), APO AE 09308

FROM: Commander, 2d BSTB, 2d BCT,
10th MTN Div (LI), APO AE 09308

DATE:

5 July 2010

I have reviewed the attached charges and documents (if applicable) and (recommend)(direct):

☐ Summary Court-Martial

☐ Special Court-Martial (BCD)

☐ Special Court-Martial

☒ General Court-Martial

NAME OF COMMANDER

SIGNATURE OF COMMANDER

PAUL R. WALTER, LTC, MI, CDR

Paul R. Walter

PART III

TO: Commander, 1st AD & USD-C,
Camp Liberty, Iraq, APO AE 09344

FROM: Commander, 2d BCT, 10th MTN
Div (LI), APO AE 09308

DATE:

I have reviewed the attached charges and documents (if applicable) and (recommend)(direct):

☒ Conduct an Article 32 Investigation ☐ Do Not Conduct an Article 32 Investigation

NAME OF COMMANDER

SIGNATURE OF COMMANDER

DAVID M. MILLER, COL, IN, CDR

David M. Miller

PART IV

TO:

FROM:

DATE:

I have reviewed the attached charges and documents (if applicable) and (recommend)(direct):

☐ Summary Court-Martial

☐ General Court-Martial

☐ Special Court-Martial

NAME OF COMMANDER

SIGNATURE OF COMMANDER



DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE COMBAT TEAM, 10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
UNITED STATES DIVISION - CENTER
COS HAMMER, IRAQ APO AE 09308

AFDR-BIBA-11C

5 July 2010

MEMORANDUM FOR Commander, 2d Brigade Special Troops Battalion, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Contingency Operating Station Hammer, Iraq, APO AE 09308

SUBJECT: Transmittal of Court-Martial Charges - Private First Class (1-3) Bradley E. Manning, 445-98-9504, Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Contingency Operating Station Hammer, Iraq, APO AE 09308

1 Pursuant to Rules 306, 401 and 402 of the Rules for Courts-Martial, I have considered the lowest appropriate disposition of the charge(s) and specification(s).

2 I recommend

2375

☒ trial by General Court-Martial.

☐ trial by Special Court-Martial empowered to adjudge a Bad Conduct Discharge.

☐ trial by Summary Court-Martial.

☐ Other:

Matthew W. Freeburg
MATTHEW W. FREEBURG
CPT, AD
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BRIGADE SPECIAL TROOPS BATTALION
2D BRIGADE COMBAT TEAM, 10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
UNITED STATES DIVISION - CENTER
COS HAMMER, IRAQ APO AE 09308

AFDR-1BA

5 Jul 10


MEMORANDUM FOR Commander, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Fort Drum, New York 13602

SUBJECT: Transmittal of Court-Martial Charges - Private First Class (E-3) Bradley E. Manning, [REDACTED] Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division (Light Infantry), Contingency Operating Station Hammer, Iraq, APO AE 09308

1. I am the Summary Court-Martial Convening Authority in the above case. I am not disqualified from acting as the convening authority in this case. I have received the sworn charges and caused the hour and date of receipt to be entered on the charge sheet.
2. Pursuant to Rules 306, 401 and 402 of the Rules for Courts-Martial, I have considered the lowest appropriate disposition of the charges and specification(s):

I recommend:

- ☒ trial by General Court-Martial
- ☐ trial by Special Court-Martial, empowered to adjudge a Bad Conduct Discharge
- ☐ trial by Summary Court-Martial.
- ☐ Other: _____


PAUL R. WALTER
LTC, MC
Commanding



DEPARTMENT OF THE ARMY
HEADQUARTERS, 2D BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
UNITED STATES DIVISION - CENTER
COS HAMMER, IRAQ APO AE 09308

AFDR-BBA

MEMORANDUM FOR Commander, 1st Armored Division and United States Division - Center,
Camp Liberty, Iraq, APO AE 09344

SUBJECT: Transmittal of Court-Martial Charges - Private First Class (E-3) Bradley E.
Manning, [REDACTED] Headquarters and Headquarters Company, 2d Brigade Combat Team,
10th Mountain Division (Light Infantry), Contingency Operating Station Hammer, Iraq, APO
AE 09308

1. Under Rules for Court-Martial 401 and 404, I forward the charges pertaining to Private First
Class (E-3) Bradley E. Manning, [REDACTED] Headquarters and Headquarters Company, 2d
Brigade Combat Team, 10th Mountain Division (Light Infantry), Contingency Operating Station
Hammer, Iraq, APO AE 09308.

2. () I recommend trial by Special Court-Martial, empowered to adjudge a Bad Conduct
Discharge.

3. I direct:

DM a pretrial Article 32 investigation pursuant to R.C.M. 405.

() trial by Summary Court-Martial.

DAVID M. MILLER
COL, IN
Commanding

Appellate Exhibit 339

Enclosure 8

4 pages

ordered sealed for Reason 6

Military Judge's Seal Order

dated 20 August 2013

stored in the original Record

of Trial

Appellate Exhibit 339
Enclosure 9
6 pages
ordered sealed for Reason 6
Military Judge's Seal Order
dated 20 August 2013
stored in the original Record
of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 10

10 October 2012



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND
UNITED STATES DIVISION-CENTER
CAMP LIBERTY, IRAQ
APO AE 09344

AETV-T1111-MJ

20 November 2010

MEMORANDUM FOR Prosecution Team in U. S. v. Private First Class Bradley E. Manning

SUBJECT: Article 10, Uniform Code of Military Justice (UCMJ)

1. Purpose. To provide the Prosecution Team with an explanation of actions taken prior to the transfer of jurisdiction to the Military District of Washington in anticipation of any Article 10, Uniform Code of Military Justice issues.

2. Article 10, UCMJ.

"Any person subject to this chapter charged with an offense under this chapter shall be ordered into arrest or confinement, as circumstances may require...When any person subject to this chapter is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrongs of which he is accused and to try him or to dismiss the charges and release him."

3. Case Law. The following cases provide a very brief summary of the status of case law regarding Article 10.

a. U.S. v. Kossman, 38 M.J. 258 (1993). "It suffices to note that the touch stone for measurement of compliance with the provisions of the Uniform Code is not constant motion, but reasonable diligence in bringing the charges to trial. Brief periods of inactivity in any otherwise active prosecution are not unreasonable or oppressive."

b. U.S. v. Birge, 52 M.J. 209 (1999). "[T]he Supreme Court in Barker v. Wingo, 42 U.S. 514 (1972)...set forth a 'balancing test,' involving four factors: 'Length of the delay, the reason for the delay, the defendant's assertion of his right, and prejudice to the defendant.'" The Court in Birge went on to say that it is important to consider the Barker factors "in the context of Article 10's 'immediate steps' language and 'reasonable diligence' standard-in determining whether a particular set of circumstances violates a servicemembers' speedy trial rights under Article 10."

4. Classification Review Efforts. The first area for a possible Article 10 objection by the Defense is the initial efforts made to coordinate classification reviews by the appropriate classification authorities.

a. The Government began working this issue at the beginning of July following the 5 July 2010 referral. At that time we began reaching out to both Department of State (DoS) and Department of Defense (DoD) personnel seeking assistance in identifying the appropriate personnel to conduct the reviews.

ATTORNEY WORK PRODUCT

AETV-THH-MJ

SUBJECT: Article 10. Uniform Code of Military Justice (UCMJ)

b. In the middle of July, several personnel, including Army prosecutors Captain Alison Atkins and 1. Department of Justice prosecutors [REDACTED] and [REDACTED], Computer Crimes Investigative Unit (CCIU) Special Agents [REDACTED] and [REDACTED] and attorney [REDACTED], all met in Wiesbaden, Germany to discuss the way ahead in the investigation and eventual prosecution. At this meeting the issue of classification reviews was discussed. Although [REDACTED] understanding was that fellow CCIU attorney [REDACTED] was deemed the point of contact for all interagency activity, including the classification reviews, Army prosecutors were convinced upon discussions with DoJ prosecutors that they were better able and more willing to coordinate the classification reviews. Since the Army prosecutors were having trouble identifying the appropriate channels to work through, it was agreed then that DoJ prosecutors would assist in coordination both for DoS and DoD information.

c. Upon our return to Iraq, we continued to work the classification review issue. On 28 July 2010, I was instructed to work through [REDACTED] at the Pentagon. He was apparently identified at a meeting in Washington, D.C. as the intake point for our request for classification reviews for DoD information. On 30 July 2010, [REDACTED] advised us that he was working with 1st Cavalry Division to coordinate the classification review of the Apache tape, but that he also understood that the case may move to the Military District of Washington.

d. On or around 28 July 2010, it was agreed that [REDACTED] and [REDACTED] would go to CCIU and review the cables pulled from Manning's personal computer to identify appropriate cables for classification review. Shortly after that the case was transferred to MDW and direct discussions with DoS attorney [REDACTED] resulted in DoS receiving the names of those cables and the review process.

5. Rule for Courts-Martial (RCM) 706 Efforts. The other area for a possible Article 10 objection by the Defense is the handling of the initial request for inquiry under RCM 706. The Defense made the initial request on 11 July 2010. However, prosecutors anticipated the request and were working to support the request prior to receipt. I was on leave from approximately 28 July to 20 August 2010, so I don't have first-hand knowledge of much of what happened during this time period. However, [REDACTED], the Deputy Staff Judge Advocate of 1st Armored Division, was very involved in this issue and provided the enclosed memorandum for record detailing the efforts made.

6. Point of contact for this memorandum is the undersigned at luke.rose@mnd-b.army.mil and luke.rose@mnd-b.army.smil.mil or DSN 318.847.2414 and SVOIP 242.4982.



LUKE ROSE
CPT, JA
Chief of Military Justice

2 Encls

1. Various emails

2. [REDACTED] MFR

ATTORNEY WORK PRODUCT

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 11

10 October 2012



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
CAMP LIBERTY FIELD OFFICE
CAMP LIBERTY IRAQ



REPLY TO
ATTENTION OF:

AFZD-TD

11 July 2010

MEMORANDUM THRU LTC Craig Merutka, Article 32 Investigation Officer, matter of US v. PFC Manning

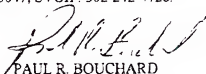
FOR Convening Authority

SUBJECT: Request for delay in Article 32 hearing based on Defense request for a 706 board

1. The defense respectfully requests that the July 14th Article 32 investigative hearing in the matter of US v. PFC Bradley Manning be delayed for the following reason:

On 11 July 2010, at approximately 1600 hours, the defense requested the Government appoint and conduct a 706 board on PFC Manning. The defense is waiting to hear if such a request will be approved by the convening authority.

2. POC is the undersigned at DSN: 318-847-3047; SVOIP: 302-242-4726.


PAUL R. BOUCHARD
CPT. JA
Senior Defense Counsel



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
CAMP LIBERTY FIELD OFFICE
CAMP LIBERTY IRAQ



REPLY TO
ATTENTION OF:

AFZD-TD

12 July 2010

MEMORANDUM THRU LTC Craig Merutka, Article 32 Investigation Officer, matter of US v. PFC Manning

FOR Convening Authority

SUBJECT: Request for delay in Article 32 hearing

1. The Defense respectfully requests that the July 14th Article 32 investigative hearing in the matter of US v. PFC Bradley Manning be delayed. This request is based on the following three reasons, all of which need to be met for a proper Article 32 hearing to take place:

a. An Article 32 hearing should not take place until a 706 evaluation is conducted on the accused to determine the important issues of mental responsibility and competency. The Article 32 hearing should not take place until the Defense receives the long version of the 706 board's findings and recommendations. (Note: the Defense has already requested a 706 evaluation be undertaken in this matter, and has received notice that the Government supports such a request. The Government has informed the Defense that a 706 board could be convened and undertaken in about two weeks);

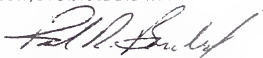
b. An Article 32 hearing should not take place until the accused has decided whether he will obtain the services of a civilian counsel and whether such a civilian counsel is properly prepared for the Article 32 hearing. The Defense is currently researching this issue for the accused. The Defense believes that if the accused selects a civilian attorney, then that selection will take about two weeks to occur;

c. And an Article 32 hearing should not take place in this case until the Defense has an expert on computer forensics on its team and that the computer forensics expert has ample time to review the evidence which consists of five CD Rom disks. On behalf of the accused, the Defense will request CyberAgents, a company owned by Mr. Eric Lakes and based in Lexington, Kentucky, to be an expert assistant in this matter. The Defense is ready to submit its request for CyberAgents, but we are waiting to hear from Mr. Lakes to confirm his fee schedule. The Defense anticipates requesting Mr. Lakes within the next 24 hours. The Defense does not know and cannot predict how long it would take an expert like CyberAgents to review the evidence.

2. The Defense believes a tentative date for the Article 32 hearing of 20 August 2010 should be enough time for the three previously-mentioned conditions to be met.

3. The Defense reserves the right to request further delays upon showing good cause for such delay request(s).

4. POC is the undersigned at DSN: 318-847-3047; SVOIP: 302-242-4726.



PAUL R. BOUCHARD
CPT, JA
Senior Defense Counsel



DEPARTMENT OF THE ARMY
UNITED STATES ARMY TRIAL DEFENSE SERVICE
DEFENSE COUNSEL ASSISTANCE PROGRAM
ARLINGTON, VIRGINIA 22203



REPLY TO
ATTENTION OF:

JALS-TD

11 August 2010

MEMORANDUM THRU LTC Paul Almanza, 150th Judge Advocate General Detachment,
Legal Support Organization, MG Albert C. Lieber USAR Center, 6901 Telegraph Road,
Alexandria, Virginia 22310

FOR Commander, United States Army Garrison, Joint Base Myer-Henderson Hall, 204 Lee
Avenue, Fort Myer, Virginia 22211-1199

SUBJECT: Delay Request, United States v. Private First Class Bradley Manning,
Headquarters and Headquarters Company, U.S. Army Garrison, Joint Base Myer-Henderson
Hall, Fort Myer, Virginia 22211

1. The Defense requests a delay in the subject court-martial until the inquiry you ordered under the provisions of Rule for Court-Martial 706 is completed. The defense maintains responsibility for this delay because Captain Paul Bouchard initially requested the inquiry from PFC Manning's previous chain of command. This delay would terminate on the date the results of the inquiry are received by PFC Manning's detailed defense counsel.

2. I am the point of contact for any questions or concerns regarding this request. I may be contacted at (703)696-8114 (office), (703)209-8061 (cellular phone), and Thomas.fredrick.hurley@conus.army.mil (email).

THOMAS F. HURLEY
MAJ, JA
Defense Counsel

25 August 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 20319

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense in *United States v. PFC Bradley Manning*.

1. On 18 July 2010, the defense requested that a R.C.M. 706 sanity board be appointed in the case of *United States v. Manning*, and that a separate medical expert be appointed to the defense to observe the R.C.M. 706 board.
2. On 25 August 2010, the defense received notification that a R.C.M. 706 board would begin its assessment of PFC Manning on 27 August 2010. The defense requests that the sanity board be delayed until a forensic psychiatrist can be appointed to the defense team. If the government has denied the former request, the defense hereby renews its request.
3. Pursuant to R.C.M. 703(d), PFC Bradley Manning requests that a forensic psychiatrist from another branch of service be designated as a member of the defense team under Military Rule of Evidence M.R.E. 502 and *United States v. Toledo*, 25 M.J. 270 (CMA 1987). PFC Manning also requests that appropriate arrangements be made for the forensic psychiatrist to travel to Quantico, Virginia to evaluate and work with PFC Manning prior to the R.C.M. 706 board.
4. A military accused has, as a matter of Equal Protection and Due Process, a right to expert assistance when necessary to present an adequate defense. *United States v. Garries*, 22 M.J. 288 (CMA 1986); *United States v. Robinson* 39 M.J. 88 (CMA 1994), and *Ake v. Oklahoma*, 470 U.S. 226 (1971). The Court of Appeals for the Armed Forces has embraced a three-part test for determining whether government-funded expert assistance is necessary. The defense must show: "First, why the expert assistance is needed. Second, what would the expert assistance accomplish for the accused. Third, why is the defense unable to gather the evidence that the expert assistant would be able to develop." *United States v. Gonzalez*, 39 M.J. 459 (1994).
5. All of the above requirements for employment of an expert are present and the defense is entitled to have an expert appointed to the defense as a matter of law. The government has begun the process of conducting a sanity board on PFC Manning and is presumably using the best available Army doctors for this purpose. PFC Manning is only requesting a single forensic psychiatrist from another branch of service be appointed to the defense team to assist in understanding and preparing his defense.
 - a. **Why Is Expert Assistance Needed?** Expert assistance is needed to assist the defense in understanding medical information concerning the mental status of PFC Manning on the date(s) of the alleged crimes, to determine whether he is able to understand the nature and quality of the

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense in *United States v. PFC Bradley Manning*

wrongfulness of his conduct, to evaluate whether PFC Manning is able to intelligently assist in his defense, and to prepare a possible sentencing case in extenuation and mitigation for the accused. The knowledge required to do this is specialized, and concerns medical and psychiatric data which is beyond the scope of defense counsel's understanding.

b. What Would the Expert Assistance accomplish for the Accused? A forensic psychiatrist assigned to the defense would assist the defense by explaining complex medical terms and the psychology involved at the time of the alleged crimes. The expert would also administer tests which would aid in potential diagnosis and treatment. Finally, the expert would be able to explain medical research in the field of forensic psychiatry and its relevance to the present case.

c. Why is the Defense Unable to Gather this Evidence on Its Own? The defense has neither the experience nor expertise to adequately prepare this case. The defense counsel needs a basic understanding of psychiatry in order to present the defense case, including the need to prepare defense experts to testify. It would be impossible for the defense to properly prepare without having an individual who has the confidentiality guaranteed to protect the accused. As a member of the defense team, the defense appointed expert can freely discuss the defense theories of the case without fear of compromising PFC Manning's rights.

6. For the above reasons, the defense requests that you issue an order appointing a forensic psychiatrist from another branch of service as an expert; that you instruct him/her that he/she is a "defense representative" and thus part of the defense team, and that matters related to him/her during the course of his employment as a member of the defense team will be confidential. Finally the defense requests that you direct that the R.C.M. 706 board be delayed until the defense appointed forensic psychiatrist can be made available to monitor the examinations conducted by the members of the board. The defense believes that the presence of a member of the defense team will increase PFC Manning's willingness to cooperate with the sanity board. Moreover, it will ensure that the defense team has first-hand knowledge of the accuracy and quality of all examinations conducted by the members of the board. This will ultimately reduce the need for future litigation on such issues.

7. The POC is the undersigned at (401) 744-3007 or by e-mail at coombs@armycourt martialdefense.com.


DAVID E. COOMBS
Civilian Defense Counsel

26 August 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 20319

SUBJECT: Request for Delay in the R.C.M. 706 Board to Comply with Prohibitions on Disclosure of Classified Information in *United States v. PFC Bradley Manning*.

1. Pursuant to Executive Order 12958, Section 4.1, defense counsel hereby requests the convening authority delay the R.C.M. 706 board until procedures can be adopted to safeguard any classified information that will be discussed during the board's determination.
2. In support of this request, the defense provides the following:
 - a. On 25 August 2010 defense counsel spoke with PFC Manning telephonically to determine if he would need to discuss classified information during the R.C.M. 706 board inquiry.
 - b. Based upon our discussions with PFC Manning, the defense counsel believes that in order for him to participate in the R.C.M. 706 process and aid the members in their determination of his mental state at the time of the alleged incidents, he will need to divulge classified information.
 - c. The information that PFC Manning will need to divulge will be Secret Sensitive Compartmented Information and Top Secret Sensitive Compartmented Information.
3. Based on the preceding information, the defense requests that the Government determine from the Original Classification Authority (OCA) that the R.C.M. 706 has a "need to know" as part of their assessment of PFC Manning's mental condition.
4. Additionally, pursuant to Executive Order 12958, 12968, and 13292 the defense requests that all members of the R.C.M. 706 board possess the requisite security clearances and that all required steps are taken in order to safeguard the information that they receive from PFC Manning.
5. Since board members notes and any recordings will contain references to classified information, the defense requests that the government appoint a security officer to the board to assist them in the proper handling of their notes and disposal of any information that may contain references to classified information.
6. The defense also requests the results of the government's classification review by the OCA. Specifically, the determination of the classification review regarding (1) the classification level of the information alleged to have been disclosed by PFC Manning when it was subjected to

SUBJECT: Request for Delay in the R.C.M. 706 Board to Comply with Prohibitions on Disclosure of Classified Information in *United States v. PFC Bradley Manning*.

compromise; (2) a determination whether another command requires review of the information; and (3) the general description of the impact of disclosure on affected operations.

7. Finally, the defense requests strict compliance with the disclosure prohibitions of Military Rules of Evidence 302 and R.C.M. 706. Specifically, the defense requests that the board members are informed of the restrictions on disclosure referenced in R.C.M. 706 (c)(5).

8. The POC is the undersigned at (401) 744-3007 or by e-mail at coombs@armycourtartialdefense.com.



DAVID E. COOMBS
Civilian Defense Counsel



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U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

25 April 2011

MEMORANDUM FOR Commander, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer,
VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you delay restarting the Article 32 Investigation until the United States receives consent from all the Original Classification Authorities (OCAs) to release discoverable classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 Investigation.

2. **BACKGROUND.** Under Executive Orders 12958 and 13526 (as applicable) and Army Regulations 380-5 and 380-67, the United States cannot release classified information originating in a department or agency to parties outside of the executive branch without the consent of the OCA or their delegate. Since 17 June 2010, the United States has been diligently working with all of the departments and agencies that originally classified the information and evidence sought to be disclosed to the defense and the accused. Enclosed are redacted copies of the OCA Disclosure Requests and OCA Classification Review Requests without their enclosures, respectively. However, because of the special circumstances of this case, including the voluminous amounts of classified digital media containing multiple equities and the subsequent discovery of more information helpful to both the United States and the accused, more time is needed for executive branch departments and agencies to obtain the necessary consent from their OCA or authorizing official.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.

4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 Investigation until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews or 25 May 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and 25 May 2011, or earlier, be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 May 2011.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

Encls
as


ASHDEN FERN
CPT, JA
Trial Counsel

CF:
Defense Counsel (w/encls)

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ANJA-CL

22 May 2011

MEMORANDUM FOR Commander, Joint Base Myer - Henderson Hall, 204 Lee Avenue, Fort Myer,
VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation - U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.
2. **UPDATE.** The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews. In anticipation of OCA consent, CID began making copies of classified digital media and evidence for disclosure to the defense. Additionally, the prosecution learned that several exhibits and documents in the unclassified CID case file require authorization to disclose apart from any classified information. The U.S. Attorney's Office for the Eastern District of Virginia is working to obtain that authorization on behalf of the prosecution from multiple federal districts within the United States.
3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.
4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, and authorization to disclose protected unclassified information or 27 June 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 June 2011.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel

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27 June 2011

MEMORANDUM FOR Commander, Joint Base Myer - Henderson Hall, 204 Lee Avenue. Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation - United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews. This includes the enclosed additional requests forwarded by the prosecution on 23 June 2011, after forensic examiners discovered another document on digital evidence requiring OCA consent to disclose to the defense.

b. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. The NSA identified approximately twenty sensitive documents requiring further review by their subject matter experts. The OGA is continuing their review of the documents.

c. The U.S. Attorney's Office for the Eastern District of Virginia is continuing to work on obtaining authorizations from the relevant district court judges on behalf of the prosecution to disclose certain exhibits and documents to the defense. Most of the relevant disclosure orders have been signed, but a few remain outstanding.

d. Since the previous request, the prosecution received approval to produce the Secretary of the Army AR 15-6 and related documents. After the defense acknowledges your protective order, dated 22 June 2011, the prosecution will immediately produce these documents and continue to produce all related documents. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

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SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley E. Manning

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.

4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, authorization to disclose protected unclassified information, and final review of the CID case file by the NSA and OGA, or 27 July 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 July 2011.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

Encls
as

CF:
Defense Counsel



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25 July 2011

MEMORANDUM FOR Commander, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-11 99

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary in order for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews. The classified CID forensic reports are prepared for disclosure, pending final approval by the relevant OCAs and final review of references to classified information within forensic reports.

b. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. The NSA identified approximately twenty sensitive documents requiring further review by their subject matter experts. The OGA identified approximately six sensitive documents requiring further review by their subject matter experts. Those reviews are ongoing.

c. The U.S. Attorney's Office for the Eastern District of Virginia is continuing to work on obtaining authorizations from the relevant district court judges on behalf of the prosecution to disclose certain exhibits and documents to the defense. Most of the relevant disclosure orders have been signed, but a few remain outstanding.

d. Since the previous request, the prosecution produced the Secretary of the Army AR 15-6 and related documents, as well as the complete record of the MSG Adkins reduction board—approximately 10,000 pages of documents in total. The prosecution intends to produce portions of the unclassified CID case file that have been approved for release by relevant stakeholder agencies no later than the date of this memorandum. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

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SUBJECT: Request for Delay of Article 32 Investigation - United States v. PFC Bradley E. Manning

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, the need for time to complete other proceedings related to the case, or time to secure the availability of evidence.

4. **REQUEST.** The prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, authorization to disclose protected unclassified information, and final review of the CID case file by the NSA and OGA, or 27 August 2011. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 August 2011.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHDEN FEIN
CPT. JA
Trial Counsel

CF:
Defense Counsel



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25 August 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall,
204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense along with receiving completed classification reviews.

b. CID is conducting a secondary review of the derivative classification of the forensic reports. Recently, the government's security expert reviewed the forensic reports and advised that portions of the reports should be reviewed based on the Security Classification Guides governing the information. The prosecution intends to produce the full reports once a final determination of the derivative classification is made by CID Command and the Army G2 gives release consent. Three of these reports are unclassified in their entirety, and were given to the defense on 25 July 2011.

c. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. The NSA identified approximately twenty sensitive documents requiring further review by their subject matter experts. The OGA identified approximately six sensitive documents requiring further review by their subject matter experts. The OGA completed its additional review, but the NSA review is ongoing.

d. The U.S. Attorney's Office for the Eastern District of Virginia has obtained all authorizations from the relevant district court judges on behalf of the prosecution, and the prosecution is currently obtaining signed protective orders from defense, as required by the district court judges, to allow disclosure of all relevant exhibits and documents to the defense.

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SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

c. The prosecution is continuing to work with the Federal Bureau of Investigation (FBI) and the Diplomatic Security Service (DSS) to receive authorization to disclose relevant portions of any case files. This includes obtaining copies of the FBI and DSS case files, if any, to conduct a search of the files for discoverable information.

f. Since the previous request, the prosecution produced 21,442 pages of documents (bates numbers 021364-042806). The evidence and information disclosed included the vast majority of the unclassified CID case file, the MAJ Clausen administrative reprimand file, recordings of all visits with PFC Manning at MCB-Q, and various other documents. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, time to enable counsel to prepare for trial in complex cases, time to obtain appropriate security clearances for access to classified information, or time to secure the availability of evidence. See RCM 707(c), Discussion.

4. **REQUEST.** Given the complexity of this case, stemming from the number of classification authorities involved and the volume of information requiring classification reviews, the prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, final determination of derivative classifications, final review of the CID case file by the NSA, and release authority from relevant district court judges, or 27 September 2011. The prosecution has actively and diligently worked to resolve all outstanding issues to ensure timely release of all possible information to the defense so their ability to represent and potentially defend their client will be in no way impaired. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 23 September 2011.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel



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26 September 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer - Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable unclassified and classified evidence and information to the defense. This consent is necessary for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense and to receive completed classification reviews. Since the last request, the prosecution received a classification review from the OCA at U.S. Cyber Command. Additionally, the prosecution is working closely with the Department of State and U.S. Southern Command and expects to receive classification reviews for more than eighty documents within the next two weeks.

b. CID started the necessary secondary review of the derivative classification of the forensic reports, and the forensic reports are currently in the final stages of review before release. After CID completes its review and once the Army G2 gives consent to release, the prosecution intends to produce the full reports, with their enclosures and attachments to the defense.

c. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and another government intelligence organization (OGA) to have their experts review the file for classified equities. Both the NSA and OGA completed their additional review. The prosecution is working with the NSA to provide portion-marked version of the documents they deemed classified.

d. The U.S. Attorney's Office for the Eastern District of Virginia obtained all authorizations from the relevant district court judges on behalf of the prosecution. The prosecution is continuing to obtain signed protective orders from the defense, as required by the district court judges, to allow disclosure of all relevant exhibits and documents to the defense.

e. The prosecution continues to work with the Federal Bureau of Investigation (FBI) and the Diplomatic Security Service (DSS) to receive authorization to disclose relevant portions of any case files. The prosecution received copies of the FBI and DSS case files and started to review these files for discoverable information. Once the prosecution identifies discoverable information, it will work to obtain the proper authorization to produce the relevant portions to the defense.

f. Since the previous request, the prosecution produced 2,494 pages of documents (bates numbers 042807-045301). The evidence and information disclosed included documentation from the confinement

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SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

facilities, as well as the majority of two classified military intelligence investigative case files. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

g. The prosecution continues to work with the defense to frontload any administrative requirements for the defense members and their forensic computer experts to review classified information and evidence. Since the last request, the prosecution provided the defense with specialized hardware and software so that they are able to review all classified discovery and their experts may use their own personal equipment to analyze and review forensic duplicates of the evidence. Additionally, the prosecution provided a large volume storage device to CID so that a forensic duplicate of the evidence is available to the defense once the final authorization to release classified information is obtained.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, time to enable counsel to prepare for trial in complex cases, time to obtain appropriate security clearances for access to classified information, or time to secure the availability of evidence. See RCM 707(c), Discussion.

4. **REQUEST.** Given the complexity of this case, stemming from the number of classification authorities involved and the volume of information requiring classification reviews, the prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, final determination of derivative classifications, receipt of signed protective orders from the defense, and properly portion-marked classified documents by the NSA, or 27 October 2011. The prosecution has actively and diligently worked to resolve all outstanding issues to ensure timely release of all possible information to the defense so their ability to represent and potentially defend their client will be in no way impaired. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 25 October 2011.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.


ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel



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25 October 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall,
204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests you continue to delay restarting the Article 32 investigation until the United States receives the proper authority to release discoverable classified evidence and information to the defense. This consent is necessary for the United States to fulfill its discovery obligations under Article 46, UCMJ and the Rules for Courts-Martial (RCM), as well as for the defense to adequately prepare for the Article 32 investigation.

2. **UPDATE.**

a. The prosecution is continuing to work with relevant Original Classification Authorities (OCAs) to obtain consent to disclose classified evidence and information to the defense and to receive completed classification reviews. Within the last several days, the prosecution received a classification review of approximately one hundred documents and a video from the OCA at U.S. Central Command. Additionally, the prosecution is continuing to work closely with the Department of State, a government intelligence agency (OGA), and U.S. Southern Command and expects to receive classification reviews for more than eighty documents before 1 November 2011.

b. CID completed the necessary secondary review of the derivative classification of the forensic reports, and the prosecution is currently processing and packaging the forensic reports, enclosures, and attachments for delivery to the Army G2 no later than 27 October 2011. These reports consist of over 40,000 documents totaling more than 300,000 pages. The prosecution will release the final forensic reports to the defense once the review by the Army G2 is complete and consent to disclose is received.

c. The prosecution submitted the unclassified CID case file to the National Security Agency (NSA) and an OGA to have their experts review the file for classified equities. Both the NSA and OGA completed their additional review. Absent an unforeseen administrative issue, the prosecution will produce portion-marked versions of the documents deemed classified by the NSA and OGA no later than 27 October 2011.

d. Based on discussions with multiple OGAs, the prosecution's security expert is developing an evidence classification guide (ECG) to aid law enforcement, prosecution, defense, and other

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SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

government officials in understanding what specific investigative information is classified. Although this guide will not be a security classification guide published by an OCA, this guide based on derivative classifications can be used by all parties and potential witnesses to understand what information is classified or not. In the short-term, the guide will be used by CID agents and other government officials when discussing the case with the defense.

e. The prosecution continues to work with the Federal Bureau of Investigation (FBI) and the Diplomatic Security Service (DSS) to receive authorization to disclose relevant portions of any case files. The prosecution received copies of the FBI and DSS case files and started to review these files for discoverable information. Once the prosecution identifies discoverable information, it will work to obtain the proper authorization to produce the relevant portions to the defense.

f. Since the previous request, the prosecution produced 771 pages of documents (bates numbers 045302-046073). The evidence and information disclosed consisted of additional documents from the CID case file. As the prosecution receives other approvals, it will continue to disclose evidence and information to the defense.

g. The prosecution scheduled a meeting with the defense for 8-9 November 2011. The purpose of the meeting is for the prosecution to present its case, including a discussion of the evidence supporting the charges against the accused, and present potential plea terms. The goal of the meeting is to help the defense focus their review of the voluminous forensic evidence and potentially minimize future delays.

h. The prosecution continues to work with the defense to frontload any administrative requirements for the defense members and their forensic computer experts to review classified information and evidence. Since the last request, the prosecution effected the re-imaging of three classified laptop computers previously provided to the defense to process classified information. Additionally, the prosecution ordered several items requested by defense counsel, including a color printer, a GSA-approved shredder, and large courier bags for transporting classified information.

3. **EXCLUDABLE DELAY.** As the convening authority, you have the authority to grant a reasonable delay under the facts and circumstances of a particular case. Reasons to grant a delay include, for example, time to enable counsel to prepare for trial in complex cases, time to obtain appropriate security clearances for access to classified information, or time to secure the availability of evidence. See RCM 707(c), Discussion.

4. **REQUEST.** Given the complexity of this case, stemming from the number of classification authorities involved and the volume of information requiring classification reviews, the prosecution requests a reasonable delay of restarting the Article 32 investigation until the earlier of the completion of the OCA Disclosure Requests, OCA Classification Reviews, and receipt of signed protective orders from the defense, or 28 November 2011. The prosecution has actively

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SUBJECT: Request for Delay of Article 32 Investigation – United States v. PFC Bradley Manning

and diligently worked to resolve all outstanding issues to ensure timely release of all possible information to the defense so their ability to represent and potentially defend their client will be in no way impaired. For the reasons stated above, the United States requests the period between 22 April 2011 and the restart of the Article 32 investigation be designated as excludable delay under RCM 707(c). The prosecution will provide you an update no later than 23 November 2011.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Defense Counsel



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
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16 November 2011

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer – Henderson Hall, 204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Request to Restart Article 32 Investigation – United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case makes a two-fold request. First, the prosecution requests you direct the investigating officer to restart the Article 32 investigation. The prosecution is prepared to proceed and, by 1 December 2011, should receive all approvals and classification reviews necessary to proceed. Second, the prosecution requests the period from the date of this memorandum to 16 December 2011 be approved as excludable delay.

2. **ARTICLE 32 RESTART REQUEST.** The prosecution requests you direct the investigating officer to restart the Article 32 investigation. Since 25 October 2011, the prosecution has continued to work diligently to resolve the following issues that served as a basis for the delay of the Article 32 investigation:

a. Original Classification Authorities (OCA) reviews of classified information. The prosecution received completed classification reviews for all charged documents, except the final charged document relevant to Specification 15 of Charge II. See Enclosure 1. On 14 November 2011, the prosecution received written confirmation from an OCA delegate that the classification review for the final charged document will be completed no later than 1 December 2011, if it is determined that such a declaration is necessary. See Enclosure 2. Based upon this commitment, the prosecution requests the Article 32 investigation restart at this time to avoid further delay.

b. OCA consent to disclose classified information. Under Executive Orders 12958 and 13526 (as applicable) and Army Regulations 380-5 and 380-67, the United States cannot release classified information originating in a department or agency to parties outside of the executive branch without the consent of the OCA or their delegate. The prosecution worked diligently with all of the departments and agencies that originally classified the information and evidence sought to be disclosed to the defense and the accused, including CID, whose unclassified case file consisted of several exhibits and documents containing classified information. The prosecution disclosed such information upon receipt of the Department of the Army's approval. The prosecution recently produced approximately 380,000 pages of discovery, including (1) all charged documents; (2) all final forensic reports; (3) the complete unclassified CID case file; (4) classification reviews; and (5) two classified military intelligence investigative case files.

c. Defense request for appropriate security clearances for the defense team and access for the accused. On 3 September 2010, the defense submitted a request for security clearances for the defense team and access for the accused. See Enclosure 3. All members of the defense team received their security clearances on or before 13 October 2011. On 4 November 2011, the prosecution received the final approval necessary for the defense team and accused to access all the charged classified information. See Enclosure 2.

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SUBJECT: Request to Restart Article 32 Investigation – United States v. PFC Bradley Manning

3. **EXCLUDABLE DELAY.** The prosecution requests the period from the date of this memorandum to 16 December 2011 be approved as excludable delay under RCM 707(c) for the following reasons:

a. The prosecution is continuing to work with a relevant OCA to obtain a completed classification review for the final charged document relevant to Specification 15 of Charge II. The prosecution received written confirmation from the OCA's delegate that the classification review for the final charged document will be completed no later than 1 December 2011. See Enclosure 2.

b. The command requires adequate time to execute OPLAN BRAVO, a prerequisite for the Article 32 proceeding given the facts and circumstances of this case and the public interest in this hearing. See Enclosure 4.

(1) OPLAN BRAVO directs early planning for, and ensures coordinated and synchronized support of, all aspects of the Article 32 proceeding. On order, OPLAN BRAVO requires the command to coordinate travel, security, public affairs, infrastructure support, including Department of Army assets for movement, and interagency support for both the substance and administration of the above-referenced case. The mission's key tasks include safely and securely transporting and maintaining custody of the accused, providing physical security and support at all stages of the proceeding, and conducting public affairs and media support.

(2) The command, including its subordinate units and staff sections, requires thirty days to initiate OPLAN BRAVO to execute the specified tasks outlined in Enclosure 4, including allowing adequate time for contracts to be executed. OPLAN BRAVO and its associated tasks/requirements do not begin until you restart the Article 32 investigation.

4. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

4 Encls

1. Classification Reviews (x7) (S//NF)
2. Email, 14 Nov 11 (S//NF)
3. Memo, 3 Sep 10
4. OPLAN BRAVO w/ Attachments (LES)

CF:

Defense Counsel (wo/encls)

Note: Enclosure 1 was produced in discovery. Enclosures 2 and 4 are on file with the prosecution and available anytime for inspection by the defense.

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 12

10 October 2012



390 TC
A-20000000

DEPARTMENT OF THE ARMY
HEADQUARTERS 2D BRIGADE COMBAT TEAM
10TH MOUNTAIN DIVISION (LIGHT INFANTRY)
UNITED STATES DIVISION - CENTER
COS HAMMER, IRAQ
APO AE 09038

10R-B 3.1

MEMORANDUM FOR: Captain Paul Bouchard, Trial Defense Service, Camp Liberty Field
Office, Camp Liberty, Iraq, APO AE 09344


FOR: Private First Class Bradley E. Manning, Headquarters and Headquarters Company, 2d
Brigade Special Troops Battalion, 2d Brigade Combat Team, 10th Mountain Division (Light
Infantry), APO AE 09038

SUBJECT: Request for Delay in the Article 32 Investigation in the Case of United States v.
Private First Class Bradley E. Manning

On 6 July 2010, I appointed Lieutenant Colonel Craig Merutka, Chief, Administrative Law,
United States Forces - Iraq, Camp Victory, Iraq, APO AE 09342, as the investigating officer for
a pre-trial investigation pursuant to Article 32, Uniform Code of Military Justice (UCMJ), in the
case of Private First Class Bradley E. Manning, Headquarters and Headquarters Company, 2d
Brigade Special Troops Battalion, 2d Brigade Combat Team, 10th Mountain Division (Light
Infantry), APO AE 09038. On 10 July 2010, Lieutenant Colonel Merutka notified you that the
pre-trial investigation would occur on 14 July 2010.

On 12 July 2010, you requested I delay the Article 32 investigation until a 706 board is
conducted and until you can resolve issues relating to civilian defense counsel and defense expert
witnesses.

I grant you a request for a delay until 16 August 2010. This is a defense requested delay for
purposes of Rule 1, Courts-Martial, 707.


DAVID M. MILLER
COL, IN
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MIHH-ZA

12 AUG 2010

MEMORANDUM THRU LTC Paul Almanza, 150th Judge Advocate General Detachment,
Legal Support Organization, MG Albert C. Lieber USAR Center, 6901 Telegraph Road,
Alexandria, VA 22310

FOR MAJ Thomas F. Hurley, U.S. Army, Trial Defense Service, Defense Counsel Assistance
Program, Arlington, VA 22203

SUBJECT: Delay of Article 32 Investigation of PFC Bradley Manning

Your request for delay in the Article 32 investigation of PFC Manning is:

(u) approved. In accordance with Rule for Courts-Martial (R.C.M.) 707(c), the period
from 11 August 2010 until the R.C.M. 706 Sanity Board completion is excludable defense delay.

() disapproved.

CARL R. COFFMAN, JR.
COL. AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

25 AUG 2010

IMND-MHH-ZA

MEMORANDUM FOR Director, Forensic Psychology Fellowship, Walter Reed Army Medical Center, Washington, DC 20307

SUBJECT: Defense Delay Request of R.C.M. 706 Sanity Board of PFC Bradley Manning

I reviewed the defense request to delay the R.C.M. 706 Sanity Board for PFC Manning. The request is:

(☒) ^{file in 706} approved. The Sanity Board is delayed until the GCMCA takes action on the defense request for appointment of a forensic psychiatry expert consultant. The period between 27 August 2010 and until the GCMCA takes action on the defense request is excludable delay under R.C.M. 707(c).

(☐) disapproved. The Sanity Board will proceed as previously ordered.


CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMIND-MHH-ZA

29 APR 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 25 April 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense. See Enclosure 1. On 26 April 2011, the defense provided a response which acknowledged the need for the classified information and made three specific requests. See Enclosure 2.

2. This request is:

(06) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews or 25 May 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Court-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 23 May 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 Apr 11
2. Defense Request, 26 Apr 11

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel


CARL R. COFFMAN, JR.
COL, AV
Commanding



DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

REPLY TO
ATTENTION OF

IMND-MHH-ZA

26 May 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 22 May 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense, whichever is earlier. See Enclosure 1. On 24 May 2011, the defense provided a response which maintained its 26 April 2011 position acknowledging the need for additional discovery and noting the potential for further delay for defense to adequately prepare for the Article 32. See Enclosure 2.

2. This request is:

(BS) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, and authorization is granted to disclose protected unclassified information, or 25 June 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Courts-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 25 June 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

CARL R. COFFMAN, JR.
COI., AV
Commanding

2 Encls

1. Prosecution Request, 22 May 11
2. Defense Request, 24 May 11

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

5 JUL 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 27 June 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense, whichever is earlier. See Enclosure 1. On 29 June 2011, the defense provided a response which maintained its 26 April 2011 position acknowledging the need for additional discovery and noting the potential for further delay for defense to adequately prepare for the Article 32. See Enclosure 2.

2. This request is:

() approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, and authorization is granted to disclose protected unclassified information, or 27 July 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Courts-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 25 July 2011.


() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 27 June 11

2. Defense Response, 29 June 11


CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

1-Article 32 IO

1-Trial Counsel

1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

26 JUL 2011

IMND-MHH-ZA

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley E. Manning

1. On 22 July 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense. See Enclosure 1. On 25 July 2011, the defense renewed its request to order the United States to provide either a substitute for or a summary of the information for the relevant classified documents; to allow the defense to inspect any and all unclassified documents, tangible items, and reports within the government's control; to provide discovery to the defense either previously denied or not provided; and to provide access to all CID and other law enforcement agents who have worked on this case. See Enclosure 2.

2. This request is:

(12) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, and authorization is granted to disclose protected unclassified information, or 27 August 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under Rule for Courts-Martial (RCM) 707(c). The prosecution is required to provide me an update no later than 25 August 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 July 2011
2. Defense Response, 25 July 2011


CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

DMND-MHH-ZA

29 AUG 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - PFC Bradley Manning

1. On 25 August 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the United States receives proper authority to release discoverable unclassified evidence and information, as well as consent from all the Original Classification Authorities (OCAs) involved in this case to release discoverable classified evidence and information to the defense. See Enclosure 1. On 27 August 2011, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). See Enclosure 2.

2. This request is:

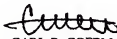
(C) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA Disclosure Requests and OCA Classification Reviews, final determination of derivative classifications, final review of the CID case file by the NSA, and authorization is granted to disclose protected unclassified information, or 27 September 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under RCM 707(c). The prosecution is required to provide me an update no later than 23 September 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 August 2011
2. Defense Response, 27 August 2011


CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

28SEP2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - United States v. PFC Bradley Manning

1. On 26 September 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the completion of Original Classification Authority (OCA) disclosure requests, OCA classification reviews, a final determination of derivative classifications, receipt of signed protective orders from the defense, and properly portion-marked classified documents by the National Security Agency (NSA), or 27 October 2011. See Enclosure 1. On 27 September 2011, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). See Enclosure 2.

2. This request is:

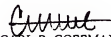
(U) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA disclosure requests, OCA classification reviews, a final determination of derivative classifications, receipt of signed protective orders from the defense, and properly portion-marked classified documents by the NSA, or 27 October 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under RCM 707(c). The prosecution is required to provide me an update no later than 25 October 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

- 2 Encls
1. Prosecution Request, 26 Sep 11
2. Defense Response, 27 Sep 11

DISTRIBUTION:
1-Article 32 IO
1-Trial Counsel
1-Defense Counsel


CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

27 OCT 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Delay of Article 32 Investigation - United States v. PFC Bradley Manning

1. On 25 October 2011, the prosecution submitted a request to delay restarting the Article 32 Investigation until the completion of Original Classification Authority (OCA) disclosure requests, OCA classification reviews, and receipt of signed protective orders from the defense, or 28 November 2011. See Enclosure 1. On 25 October 2011, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). See Enclosure 2.

2. This request is:

(CB) approved. The Article 32 Investigation is delayed until the earlier of the completion of the OCA disclosure requests, OCA classification reviews, and receipt of signed protective orders from the defense, or 28 November 2011. The period between 22 April 2011 and the restart of the Article 32 Investigation is excludable delay under RCM 707(c). The prosecution is required to provide me an update no later than 23 November 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

3. After reviewing pertinent portions of the case file and receiving an update of the procedures being followed in this case, it is my understanding that ongoing national security concerns exist in this case, as well as an ongoing law enforcement investigation(s) into PFC Manning and others. In light of the national security concerns and ongoing investigation(s), the prosecution will cautiously proceed with the disclosure of information, but will comply with its obligations under Article 46, UCMJ, RCM 405, RCM 701, RCM 703, and applicable case law. In addition, once the prosecution receives the authority to disclose previously undisclosed information to the defense, it will do so expeditiously to minimize any unnecessary delay.

2 Encls

1. Prosecution Request, 25 Oct 11
2. Defense Response, 25 Oct 11

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel

CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER - HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

16 NOV 11

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Excludable Delay - United States v. PFC Bradley Manning

1. On 16 October 2011, the prosecution submitted a request to exclude the period between the date of this memorandum and 16 December 2011 as excludable delay under RCM 707(c). The reasons for the request were for the prosecution to obtain the final classification review from an Original Classification Authority and to provide the command adequate time to execute OPLAN BRAVO. See Enclosure 1. On 16 November 2011, the defense objected to the government's proposed start date and proposed the Article 32 start on 12 December 2011. Additionally, the defense maintained its previous position that any additional delay should not be excluded under Rule for Courts-Martial (RCM) 707(c). See Enclosure 2. I reviewed both the prosecution's request and its enclosures and the defense's response.

2. This request is:

(6) approved. The Article 32 Investigation will restart no earlier than 16 December 2011. The period between 22 April 2011 and 16 December 2011 is excludable delay under RCM 707(c).


() approved, in part. The Article 32 Investigation will restart no earlier than 12 December 2011. The period between 22 April 2011 and 12 December 2011 is excludable delay under RCM 707(c).

() disapproved. The Article 32 Investigation will restart no earlier than 12 December 2011.

() disapproved. The Article 32 Investigation will restart within thirty days of this memorandum.

2 Encls

1. Prosecution Request, 16 Nov 11
2. Defense Response, 16 Nov 11


CARL R. COFFMAN, JR.
COL, AV
Commanding

DISTRIBUTION:

- 1-Article 32 IO
- 1-Trial Counsel
- 1-Defense Counsel

UNITED STATES OF AMERICA

v.

Manning, Bradley E.

PFC, U.S. Army,

HHC, U.S. Army Garrison,

Joint Base Myer-Henderson Hall

Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 13

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND
UNITED STATES DIVISION-CENTER
CAMP LIBERTY, IRAQ
APO AE 09344

AETV-THZ

28 July 2010

MEMORANDUM FOR Commander, US Army Military District of Washington, Fort Myer,
VA 22211

SUBJECT: Transfer of United States v. Private First Class Bradley E. Manning, [REDACTED]
Headquarters and Headquarters Company, 2d Brigade Combat Team, 10th Mountain Division
(Light Infantry)

1. Pursuant to Article 22 of the Uniform Code of Military Justice, I am the General Court-Martial Convening Authority for the above-referenced case. The case is pending an Article 32, UCMJ Investigation and has not been forwarded to me for action.
2. I hereby request the transfer of this case to the Commander, US Army Military District of Washington for disposition as deemed appropriate.

TERRY A. WOLFF
Major General, USA
Commanding

~~Accept~~ ^{not} ~~accept~~ the transfer of U.S. v. Private First Class Bradley E. Manning as the
Commander, US Army Military District of Washington.

IAWAR 27-10, paragraph 5-2b(1), I direct Private First Class Bradley E. Manning to be
attached to Headquarters and Headquarters Company, U.S. Army Garrison, Joint Base Myer-
Henderson Hall (W0UC01).

KARI R. HORST
Major General, USA
Commanding

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 14

10 October 2012

RECEIPT FOR INMATE OR DETAINED PERSON

1. RECEIVED FROM (Unit or Agency and Station) CAMP ARIFJAN DETENTION FAC 000, ARMY EUROPE	2. TIME 0001	3. DATE 2010/07/28
4. INMATE NAME (Last, First, Middle) SEE BELOW	5. SSN SEE BELOW	6. GRADE SEE BELOW
7. ORGANIZATION SEE BELOW	8. STATION SEE BELOW	
9. OFFENSE SEE BELOW		
10. PERSONAL PROPERTY RETAINED BY ESCORTS		
11. REMARKS PRISONER RELEASED IN APPARENT GOOD HEALTH AND CONDITION		
12. NAME AND TITLE OF PERSON RECEIVING ABOVE INDIVIDUAL Bruce Manning, CHIT/12/1/2010	13. SSN 587560731	14. GRADE E-6
15. RECEIVING UNIT OR AGENCY AND STATION TFCE, Camp Arifjan, Kuwait	16. SIGNATURE Bruce Manning	

DD FORM 2708, NOV 1995

9. INMATES:

NAME: MANNING, BRADLEY E

SSN: [REDACTED]

GRADE: E3

ORGANIZATION: CAMP ARIFJAN DETENTION FAC

STATION: CAMP ARIFJAN DETENTION FAC

OFFENSES:

12B-8 ASSAULT: BY BATTERY (1 COUNT)

13A-2 OTHER 134 (1 COUNT)

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 15

10 October 2012

DEPARTMENT OF THE ARMY
Ares Support Group-Kuwait
APO AE 09366

ORDERS 209-001

28 July 2010

MANNING, BRADLEY E., [REDACTED], PFC, EHC, 2ND BCT, 10TH MTN, DIV (LI), COS
HANGER, IRAQ APO AE 09308

You will proceed on permanent change of station as shown.

Assigned to: UNITED STATES ARMY PERSONNEL CONTROL FACILITY, (W6CD2P) FORT
SILL, OK 73503
Reporting date: 30 JULY 2010
Temporary duty at: MARINE CORP BASE QUANTICO BRIG, MARINE CORP BASE,
QUANTICO, VA 22134
Reporting date, temporary duty station: 30 JULY 2010

Additional Instructions:

- (a) Prisoner shall be confined at MARINE CORP BASE QUANTICO BRIG, MARINE CORP BASE, QUANTICO, VA 22134. Prisoner is also assigned for all courts, boards, and UCMJ action.
- (b) You are authorized two pieces of free checkable baggage. Each piece is not to exceed 70 pounds of 62 linear inches of combined length, width and height.
- (c) You are authorized to hand carry one piece of baggage. If it exceeds 100 pounds, it must be moved as air cargo and paid by you.
- (d) IAW JPTR paragraph US317-3 HNG transportation authorization does not exist for a member who is transferred as a prisoner to a place of detention or in confinement, except as provided in Paragraphs US370-B1 and US370-B2 (see also Paragraphs US900-D2h and US378-H). Pursuant to AR 190-47 (10-8-F) questions concerning the disposition of household goods and dependent travel will be referred to the prisoner's prior unit commander and the supporting transportation officer.
- (e) Information concerning your port call will be provided separately.
- (f) Soldier must have an escort to execute this move.

FOR ARMY USE:

Auth: AR 190-47
MDC: 4CE0
HOR: N/A
PFD: N/A
FMOS/AOC: N/A
CIC: 201A63

ORDERS 209-001 .

28 July 2010

Aval date: 30 July 2010

Format: 410

FOR THE COMMANDER:

* OFFICIAL *
* HQ, ASG-KU *

Byron K. Jackson
BYRON K. JACKSON
MAJ, AG
GROUP S1

DISTRIBUTION:

MFRJ (1)

CPF (1)

PAS (1)

Reassignment Packet (1)

ASG-KU (1)

CDR, EHC, 2ND BCT, 10TH MTN, DIV (LI) COS HAMMER, IRAQ APO AE 09308

PFC MANNING (5)

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 16

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
103 THIRD AVENUE
FORT LESLEY J. MCNAIR, DC 20319-6013

ANCG

2 AUG 2010

MEMORANDUM FOR Commander, U.S. Army Garrison, Joint Base Myer-Henderson Hall,
204 Lee Avenue, Fort Myer, VA 22211-1199

SUBJECT: Release of Jurisdiction - PFC Bradley E. Manning

The charges preferred on 5 July 2010, against PFC Bradley E. Manning (),
Headquarters and Headquarter Company, U.S. Army Garrison, Joint Base Myer-Henderson Hall,
are released to you for disposition as you deem appropriate.

Karl R. Horst
KARL R. HORST
Major General, U.S. Army
Commanding

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 17

10 October 2012



DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

15 August 2011

MEMORANDUM FOR [REDACTED], Section Chief, Counterespionage Section,
Counterintelligence Division, Federal Bureau of Investigation

SUBJECT: Request for Federal Bureau of Investigation (FBI) Case File – United States v. PFC
Bradley Manning

1. The prosecution in the above-referenced case requests the FBI case file and its sub-files relevant to PFC Bradley Manning. This request is in addition to the requests made by prosecution on 19 April 2011 and 28 July 2011.
2. On 27-29 April 2011 and 18 May 2011, the prosecution reviewed FBI case files relevant to PFC Manning and determined that not only were the majority of the investigative files relevant or helpful to the prosecution of PFC Manning, but that the entire case file could become relevant and possibly discoverable in the future.
3. Your release of the FBI case file to the prosecution will only be kept within the prosecution's file and not released to the defense or any other entity without prior authorization by the FBI. If the prosecution determines information or documents in its possession are discoverable, we will request further authorization. Releasing the case file will not affect the classification of the subject information, and all information will be handled in accordance with its classification.
4. The point of contact for this memorandum is the undersigned at (202) 685-1975 or ashden.fein@jfhqncr.northcom.mil.

ASHDEN FEIN
CPT, JA
Trial Counsel

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 18

10 October 2012

FOR OFFICIAL USE ONLY

DISCOVERY DATE	METHOD OF PRODUCTION	BATES NUMBER AND MATERIAL
22-Oct-10	CD/DVD to Defense	Bates # 00000001 - 00000429 (429 pages), including Preferral Packet [Unclassified]
10-Nov-10	CD/DVD to Defense	Bates # 00000430 - 00000450 (21 pages), including Initial Article 32 Packet [Unclassified]
11-Nov-10	CD/DVD to Defense	Bates # 00000451 - 00000474 (24 pages), including Initial Article 32 Packet [Unclassified]
19-Nov-10	CD/DVD to Defense	Bates # 00000475 - 00000662 (188 pages), including Initial Article 32 Packet [Unclassified]
3-Jan-11	CD/DVD to Defense	Bates # 00000663 - 00000771 (109 pages), including Preliminary Inquiry [Unclassified]
14-Jan-11	CD/DVD to Defense	Bates # 00000772 - 00000851 (80 pages), including 15-6 Investigation [Unclassified]
9-Feb-11	CD/DVD to Defense	Bates # 00000852 - 00001049 (198 pages), including Medical Records [Unclassified]
9-Feb-11	CD/DVD to Defense	Bates # 00001050 - 00001051 (2 pages), including Certificate of Service - to Liberty TDS [Unclassified]
8-Mar-11	CD/DVD to Defense	Bates # 00001052 - 00011448 (10397 pages), including 35F TRN POI and Quantico Art 138 Response [Unclassified]
7-Apr-11	CD/DVD to Defense	Bates # 00011449 - 00011462 (14 pages), including Art 138 Response [Unclassified]
9-Apr-11	CD/DVD to Defense	Bates # 00011463 - 00011573 (111 pages), including Art 138 Response [Unclassified]
12-Apr-11	CD/DVD to Defense	Bates # 00011574 - 00012711 (1138 pages), including Security Classification Guide, OMPF, Enemy Information [Unclassified]
18-Apr-11	CD/DVD to Defense	Bates # 00012712 - 00012720 (9 pages), including Art 138 Response [Unclassified]
12-May-11	CD/DVD to Defense	Bates # 00012721 - 00012924 (204 pages), including Art 138 Response [Unclassified]
9-Jun-11	CD/DVD to Defense	Bates # 00012925 - 00012933 (9 pages), including Art 138 Response [Unclassified]
30-Jun-11	CD/DVD to Defense	Bates # 00012934 - 00021363 (8430 pages), Sec Army 15-6 [Unclassified]
25-Jul-11	CD/DVD to Defense	Bates # 00021364 - 00024382 (3019 pages), including CID information [Unclassified]
25-Jul-11	CD/DVD to Defense	Bates # 00036618 - 00036802 (185 pages), including CID information [Unclassified]
2-Aug-11	CD/DVD to Defense	Bates # 00036803 - 00036803 (1 pages), including CID information [Unclassified]
9-Aug-11	CD/DVD to Defense	Bates # 00036804 - 00042806 (6003 pages), including Sec Army 15-6 GOMORs [Unclassified]
11-Aug-11	CD/DVD to Defense	Bates # 00042807 - 00044864 (2058 pages), including Pretrial Confinement Documents [Unclassified]
1-Sep-11	CD/DVD to Defense	Bates # 00044865 - 00045301 (437 pages), including Military Intelligence Investigations [Classified and Unclassified]
19-Sep-11	CD/DVD to Defense	Bates # 00024383 - 00024459 (77 pages), including Deleted Information [Unclassified]
3-Oct-11	CD/DVD to Defense	Bates # 00024460 - 00036617 (12158 pages), including CID information [Unclassified]
12-Oct-11	CD/DVD to Defense	Bates # 00045302 - 00045581 (280 pages), including CID information [Unclassified]
20-Oct-11	CD/DVD to Defense	Bates # 00045582 - 00046073 (492 pages), including CID information [Unclassified]
4-Nov-11	CD/DVD to Defense	Bates # 00046074 - 00375129 (329056 pages), including CID Forensic Reports [Unclassified]

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DISCOVERY DATE	METHOD OF PRODUCTION	BATES NUMBER AND MATERIAL
8-Nov-11	CD/DVD to Defense	Bates # 00375130 - 00375182 (53 pages), including Military Intelligence Investigation [Unclassified]
8-Nov-11	CD/DVD to Defense	Bates # 00376954 - 00378175 (1222 pages), including Charged Documents, C3 Report, Classification Review [Classified]
8-Nov-11	CD/DVD to Defense	Bates # 00378176 - 00378176 (1 pages), including Volumes.txt [Unclassified]
8-Nov-11	CD/DVD to Defense	Bates # 00378177 - 00378624 (448 pages), including Military Intelligence Investigation and Classified CID information [Classified and Unclassified]
17-Nov-11	CD/DVD to Defense	Bates # 00378626 - 00378649 (24 pages), including CID information and classification review(s) [Classified and Unclassified]
17-Nov-11	CD/DVD to Defense	Bates # 00378650 - 00384256 (5607 pages), including Sec Army 15-6 GOMORs [Unclassified]
23-Nov-11	CD/DVD to Defense	Bates # 00378625 - 00378625 (1 pages), including DA Form 4137 [Classified]
23-Nov-11	CD/DVD to Defense	Bates # 00402272 - 00407990 (5719 pages), including Sec Army 15-6 GOMORs [Unclassified]
23-Nov-11	CD/DVD to Defense	Bates # 00407991 - 00409678 (1688 pages), including CID information and DSS case file [Unclassified]
1-Dec-11	CD/DVD to Defense	Bates # 00384257 - 00402271 (18015 pages), including Sec Army 15-6 GOMORs [Unclassified]
6-Dec-11	CD/DVD to Defense	Bates # 00409679 - 00410599 (921 pages), including CID information [Unclassified]
7-Dec-11	CD/DVD to Defense	Bates # 00375183 - 00375197 (15 pages), including Sec Army 15-6 GOMORs [Unclassified]
7-Dec-11	CD/DVD to Defense	Bates # 00410600 - 00410670 (71 pages), including Enemy information, accused's office work product, and classification review(s) [Classified]
9-Dec-11	CD/DVD to Defense	Bates # 00375198 - 00376953 (1756 pages), including CID information, Schmiedl Files, Classification Reviews [Unclassified]
9-Dec-11	CD/DVD to Defense	Bates # 00410671 - 00410689 (19 pages), including CID information [Unclassified]
19-Dec-11	CD/DVD to Defense	Bates # 00410690 - 00410697 (8 pages), including CID information and pretrial confinement information [Unclassified]
19-Dec-11	CD/DVD to Defense	Bates # 00410698 - 00410701 (4 pages), including Classification review [Classified and Unclassified]
12-Jan-12	CD/DVD to Defense	Bates # 00410702 - 00410788 (87 pages), including Article 32 investigating officer's final report and pretrial confinement recordings [Unclassified]
20-Jan-12	CD/DVD to Defense	Bates # 00410789 - 00410870 (82 pages), including CID information and accused's Skype logs [Unclassified]
27-Jan-12	CD/DVD to Defense	Bates # 00410871 - 00411342 (472 pages), including CID Docs, Art 32 Audio - Unclassified [Unclassified]

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DISCOVERY DATE	METHOD OF PRODUCTION	BATES NUMBER AND MATERIAL
27-Jan-12	CD/DVD to Defense	Bates # 00411343 - 00411366 (24 pages), including Manning Computer Logs, Closed session - 111218 [Unclassified]
13-Mar-12	CD/DVD to Defense	Bates # 00411367 - 00412613 (1247 pages), including CID information/Attestations/PTC Visitation Logs, Audio Logs [Unclassified]
16-Mar-12	CD/DVD to Defense	Bates # 00412614 - 00417914 (5301 pages), including FBI information [Unclassified]
12-Apr-12	CD/DVD to Defense	Bates # 00417915 - 00419646 (1732 pages), including FBI information, accused AKO-S email, trial documents, DISA and JIEDDO information [Classified and Unclassified]
12-Apr-12	CD/DVD to Defense	Bates # 00419647 - 00419804 (158 pages), including CID information, damage assessment(s), motions hearing audio [Unclassified]
24-Apr-12	CD/DVD to Defense	Bates # 00419805 - 00445503 (25699 pages), including Interim CID Forensic Reports [Classified and Unclassified]
15-May-12	CD/DVD to Defense	Bates # 00445504 - 00447091 (1588 pages), including FBI information [Classified]
15-May-12	CD/DVD to Defense	Bates # 00447092 - 00447392 (301 pages), including Administrative documents, CID information, and damage assessment(s) [Unclassified]
15-May-12	CD/DVD to Defense	Bates # 00447393 - 00447439 (47 pages), including Damage assessments [Classified]
18-May-12	CD/DVD to Defense	Bates # 00447440 - 00447666 (227 pages), including FBI information [Classified and Unclassified]
18-May-12	Inspect at Prosecution	DOS Draft Damage Assessment available for inspection with prosecution [Classified with Special Control Measures]
21-May-12	CD/DVD to Defense	Bates # 00447667 - 00447817 (151 pages), including Grand jury information [Unclassified]
21-May-12	CD/DVD to Defense	Bates # 00447818 - 00447848 (31 pages), including Damage assessments and CIA information [Classified]
24-May-12	CD/DVD to Defense	Bates # 00447849 - 00447944 (96 pages), including Pretrial confinement recordings and photos, CID information, and trial documents [Classified]
29-May-12	CD/DVD to Defense	Bates # 00447945 - 00449240 (1296 pages), including Trial documents [Classified]
4-Jun-12	CD/DVD to Defense	Bates # 00449241 - 00449242 (2 pages), including DOE damage assessment [Classified]
6-Jun-12	Inspect at Prosecution	DIA Information Review Task Force Report available for inspection with prosecution [Classified with Special Control Measures]
13-Jun-12	CD/DVD to Defense	Bates # 00449243 - 00449402 (160 pages), including DHS damage assessment [Classified]
2-Jul-12	Inspect at Prosecution	Bates # 00508935 - 00508940 (6 pages), CIA WikiLeaks Task Force Report available for inspection with prosecution [Classified with Special Control Measures]
3-Jul-12	CD/DVD to Defense	Bates # 00449403 - 00449464 (62 pages), including CID information, trial documents, and DISA logs [Unclassified]

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DISCOVERY DATE	METHOD OF PRODUCTION	BATES NUMBER AND MATERIAL
3-Jul-12	CD/DVD to Defense	Bates # 00449465 - 00449552 (88 pages), including CID report, damage assessment(s), and accused's emails [Classified]
12-Jul-12	CD/DVD to Defense	Bates # 00449553 - 00449571 (19 pages), including Pretrial confinement recordings and CID forensic report [Unclassified]
12-Jul-12	CD/DVD to Defense	Bates # 00449572 - 00449581 (10 pages), including DISA information [Classified]
27-Jul-12	CD/DVD to Defense	Bates # 00449793 - 00449942 (150 pages), including Brig Emails [Unclassified]
28-Jul-12	CD/DVD to Defense	Bates # 00449582 - 00449764 (183 pages), including NSA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00449765 - 00449792 (28 pages), including USCYBERCOM and FBI damage assessments [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00449943 - 00479483 (29541 pages), including Joint Staff/DOD/HQDA/DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479484 - 00479489 (6 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479490 - 00479508 (19 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479509 - 00479512 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479513 - 00479518 (6 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479519 - 00479522 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479523 - 00479583 (61 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479584 - 00479590 (7 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479591 - 00479683 (93 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479684 - 00479685 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00479686 - 00480519 (834 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480520 - 00480521 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480522 - 00480624 (103 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480625 - 00480631 (7 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480632 - 00480670 (39 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480671 - 00480677 (7 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480678 - 00480785 (108 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480786 - 00480787 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00480788 - 00481082 (295 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00481083 - 00481083 (1 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00481084 - 00494337 (13254 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00494338 - 00494340 (3 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00494341 - 00496277 (1937 pages), including DIA information [Classified]

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2-Aug-12	CD/DVD to Defense	Bates # 00496278 - 00496282 (5 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00496283 - 00496462 (180 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00496463 - 00496469 (7 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00496470 - 00498654 (2185 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498655 - 00498657 (3 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498658 - 00498721 (64 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498722 - 00498725 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498726 - 00498769 (44 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498770 - 00498773 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498774 - 00498870 (97 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498871 - 00498872 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498873 - 00498926 (54 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498927 - 00498928 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498929 - 00498964 (36 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498965 - 00498965 (1 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498966 - 00498997 (32 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00498998 - 00499000 (3 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499001 - 00499006 (6 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499007 - 00499010 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499011 - 00499024 (14 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499025 - 00499026 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499027 - 00499147 (121 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499148 - 00499148 (1 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499149 - 00499167 (19 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499168 - 00499172 (5 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499173 - 00499398 (226 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499399 - 00499402 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499403 - 00499548 (146 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499549 - 00499552 (4 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499553 - 00499562 (10 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499563 - 00499564 (2 pages) (RECALLED), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499565 - 00499591 (27 pages), including DIA information [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00499592 - 00499594 (3 pages) (RECALLED), including DIA information [Classified]

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2-Aug-12	CD/DVD to Defense	Bates # 00499595 - 00504420 (4826 pages), including DIA information and other damage assessment(s) [Classified]
2-Aug-12	CD/DVD to Defense	Bates # 00504421 - 00504481 (61 pages), including Pretrial confinement recordings and trial documents [Unclassified]
2-Aug-12	CD/DVD to Defense	Bates # 00504482 - 00505060 (579 pages), including DIA information, DOS and DIA damage assessments marked [Classified]
3-Aug-12	CD/DVD to Defense	Bates # 00505061 - 00505183 (123 pages), including Damage assessments and CID information [Classified]
3-Aug-12	CD/DVD to Defense	Bates # 00505184 - 00505204 (21 pages), including CID information and various OCA documents [Unclassified]
3-Aug-12	Inspect at Agency*	NSA documents [Classified with Special Control Measures]
3-Aug-12	Inspect at Prosecution	Classified digital evidence [Classified with Special Control Measures]
6-Aug-12	CD/DVD to Defense	Bates # 00505205 - 00505256 (52 pages), including damage assessments and enemy information [Classified]
7-Aug-12	CD/DVD to Defense	Bates # 00505257 - 00505257 (1 pages), including Intelink attestation [Unclassified]
7-Aug-12	CD/DVD to Defense	Bates # 00505258 - 00505808 (551 pages), including FBI information and variation of charged documents [Classified]
10-Aug-12	CD/DVD to Defense	Bates # 00505809 - 00506675 (867 pages), including DIA information [Classified]
14-Aug-12	CD/DVD to Defense	Bates # 00506676 - 00506684 (9 pages), including Quantico information [Unclassified]
14-Aug-12	CD/DVD to Defense	Bates # 00508691 - 00508934 (244 pages), including Quantico information [Unclassified]
16-Aug-12	CD/DVD to Defense	Bates # 00506685 - 00508690 (2006 pages), including USCYBERCOM information [Classified]
16-Aug-12	Inspect at Prosecution	Bates # 00509516 - 00511906 (2391 pages), including USCYBERCOM information available for inspection with prosecution [Classified with Special Control Measures]
21-Aug-12	CD/DVD to Defense	Bates # 00508941 - 00509515 (575 pages), including DIA information [Classified]
23-Aug-12	Inspect at Agency**	NCIX information available for inspection at ODNI HQ [Classified with Special Control Measures]
27-Aug-12	CD/DVD to Defense	Bates # 00511907 - 00514453 (2547 pages), including Quantico emails [Unclassified]
14-Sep-12	Inspect at Prosecution	Bates # 00514501 - 00514898 (398 pages), DIA and ODNI information available for inspection with prosecution [Classified with Special Control Measures]
14-Sep-12	Inspect at Prosecution	Bates # 00519353 - 00523672 (1286 pages), including DOS information [Classified]
14-Sep-12	Inspect at Agency***	DoS information [Classified with Special Control Measures]
15-Sep-12	CD/DVD to Defense	Bates # 00514454 - 00514497 (44 pages), including DHS information [Unclassified]
15-Sep-12	CD/DVD to Defense	Bates # 00514498 - 00514498 (1 pages), including DHS information [Classified]

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19-Sep-12	CD/DVD to Defense	Bates # 00514499 - 00514500 (2 pages), including DOE Information [Unclassified]
19-Sep-12	CD/DVD to Defense	Bates # 00514899 - 00515842 (944 pages), including DIA and CIA information [Classified]
19-Sep-12	CD/DVD to Defense	Bates # 00515843 - 00519167 (3325 pages), including Quantico emails [Unclassified]
20-Sep-12	CD/DVD to Defense	Bates # 00519168 - 00519352 (185 pages), including FBI information [Classified]
20-Sep-12	CD/DVD to Defense	Bates # 00519353 - 00523672 (1286 pages), including DOS information [Classified], which was previously made available for inspection on 14 Sep 12
28-Sep-12	Hardcopy with Defense Expert	Bates # 00509516 - 00511906 (2391 pages), including USCYBERCOM previously made available for inspection on 16 Aug 12
28-Sep-12	Hardcopy with Defense Expert	Bates # 00514501 - 00514898 (398 pages), including DIA and ODNI information previously made available for inspection on 14 Sep 12

- * NSA POC: Mr. Erik Dodson, Office of the General Counsel at (301) 688-6054 or ehdodso@nsa.gov
- ** ODNI POC: Ms. Tricia Wellman, Office of the General Counsel at (703) 275-2509 or tricia.wellman@dni.gov
- *** DoS POC: Mr. Jonathan Davis, Office of the Legal Adviser at (202) 647-1601

Note: For all inspections, the owning organization and the prosecution require reasonable notice to coordinate the proper facility

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UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 19

10 October 2012



DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
103 THIRD AVENUE
FORT LESLEY J. McNAIR, DC 20319-5058

APPLY TO
ATTENTION OF


ANCG

JUN 03 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Assumption of Command By Authority of Paragraph 2-6, AR 600-20

The undersigned assumes command of United States Army Military District of Washington (WOGVAA), Fort Lesley J. McNair, DC 20319, effective 0001, 3 June 2011.


MICHAEL S. LINNINGTON
MG, US Army
Commanding

DISTRIBUTION:

B

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 20

10 October 2012



REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU

Office of the Judge Advocate General (██████████), 2200 Army Pentagon,
Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

FOR Commander, U.S. Army Intelligence and Security Command, 8825 Beullah Street, Fort Belvoir, VA
22060

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. ██████████ (OTJAG, DA)
Ms. ██████████ (DOJ)

FOR OFFICIAL USE ONLY



REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

7 September 2011

MEMORANDUM THRU

Office of the Judge Advocate General (), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Army Intelligence and Security Command, 8825 Beulah Street, Fort
Belvoir, VA 22060

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to the previous request dated 28 July 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution. Enclosed is an information paper to further explain an accused's speedy trial rights in the military justice system.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 21 September 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

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ANJA-CL

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

Encl
as

CF:

Mr. [REDACTED] (OTJAG, DA)

Ms. [REDACTED] (DOJ)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

30 November 2010

MEMORANDUM THRU

Staff Judge Advocate, U.S. Army Military District of Washington (ANJA), 210 A Street, Fort
Lesley J. McNair, DC 20319
Office of the Judge Advocate General [REDACTED], 2200 Army Pentagon,
Washington, DC 20310

FOR Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

SUBJECT: Request for Classification Reviews

1. The prosecution team in the case of United States v. Private First Class (PFC) Bradley E. Manning requests your assistance and direct oversight in ensuring the appropriate Original Classification Authority (OCA) or their subject matter expert conduct a classification review of the following Department of Defense (DoD) material no later than 1 January 2010:

- a. PowerPoint presentation file named "Brief to [REDACTED] Findings and Recs 8 June.ppt" (*enclosed*).
- b. PowerPoint presentation file named "Farah Brief FINAL v8 24 May 09.ppt" (*enclosed*).
- c. JTF-Guantanamo Bay Detainee Assessments (*enclosed*).

2. PFC Manning is currently charged with downloading various DoD documents, photographs, and videos from Secure Internet Protocol Router (SIPR) websites and transferring them to his personal computer. PFC Manning subsequently transmitted this information to persons or organizations not entitled to receive them, in violation of U.S. law.

3. The classification review should answer the following questions:

- a. Whether the information was appropriately classified under applicable law at the time it was compromised?
- b. What is the current classification level of the information in the document?
- c. Whether disclosure of the information to the public could reasonably be expected to cause damage to the national security of the United States in the degree warranted by the classification?

ANJA-CL

SUBJECT: Request for Classification Review

4. The prosecution team requests each OCA or their subject matter expert on classified information use the enclosed sample declaration to answer the above questions. This request supplements previous informal requests made by the prosecution team to the different OCAs.

5. The point of contact for this request is the undersigned at (202) 685-4903 or ashden.fein@jfhqncr.northcom.mil.

Encl
as



ASHDEN FEIN
CPT, JA
Chief, Military Justice



REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 1)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU [REDACTED] Law Enforcement
and Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.



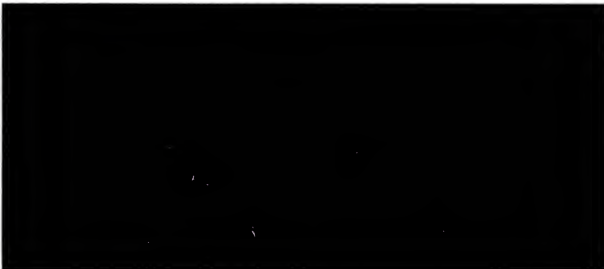
¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosures 2 and 3.

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 1)

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.



6. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

1. Classified Evidence for Review
2. Charge Sheet, 5 Jul 10
3. Charge Sheet, 1 Mar 11
4. Sample Affidavit
5. Sample Cover Letter for OCA
6. Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)
Mr. [REDACTED] (NSA)
Ms. [REDACTED] (DOJ)



FOR OFFICIAL USE ONLY (SECRET/NOFORN w/ EXCLUSION)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

REPLY TO
ATTENTION OF

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General [REDACTED], 2200 Army Pentagon,
Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Army Intelligence and Security Command, 8825 Beulah Street, Fort
Belvoir, VA 22060

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosures 2 and 3.

FOR OFFICIAL USE ONLY (SECRET/NOFORN w/ EXCLUSION)

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning



4. FUTURE REQUESTS. This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.



6. PROTECTION OF CLASSIFIED INFORMATION.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

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3. Charge Sheet, 1 Mar 11
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6. Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (NSA)

Ms. [REDACTED] (DOJ)

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

18 March 2011

MEMORANDUM THRU [REDACTED], Office of the General Counsel,
National Security Agency

FOR Original Classification Authority (OCA), National Security Agency

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

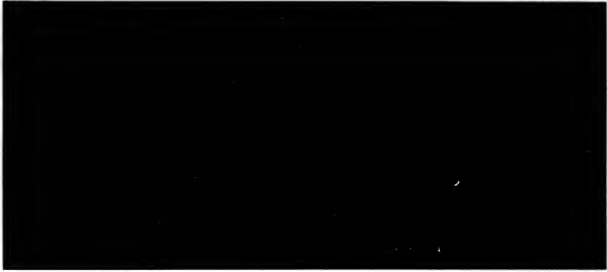


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosures 2 and 3.

ANJA-CI.

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.



6. PROTECTION OF CLASSIFIED INFORMATION.

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² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

¹ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

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7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

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6. Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)

Ms. [REDACTED] (DOJ)

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU [REDACTED] Intelligence, Office
of the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley F. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.




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ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

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ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

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ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)
Mr. [REDACTED] (NSA)
Ms. [REDACTED] (DOJ)

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General [REDACTED], 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. See Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

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ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.

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ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

a. Retain Classification. This request will not affect the classification of any of the subject information.

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d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

1. Classified Evidence for Review
2. Charge Sheet, 5 Jul 10
3. Charge Sheet, 1 Mar 11
4. Sample Affidavit
5. Sample Cover Letter for OCA
6. Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (NSA)
Ms. [REDACTED] (DOJ)



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL
33621

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning


1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

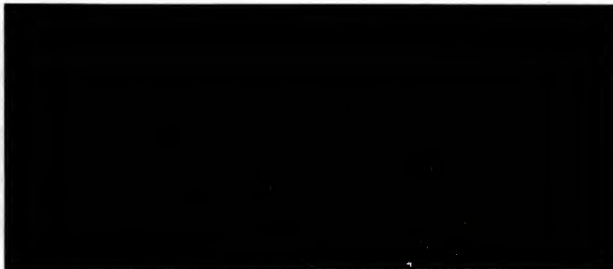
¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosures 2 and 3.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning



4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.



6. PROTECTION OF CLASSIFIED INFORMATION.

² -If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

1. Classified Evidence for Review
2. Charge Sheet, 5 Jul 10
3. Charge Sheet, 1 Mar 11
4. Sample Affidavit
5. Sample Cover Letter for OCA
6. Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (NSA)
Ms. [REDACTED] (DOJ)



REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY (FOUO) SECRET NOFORN W/ ENCLOSURE
DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319 5013

ANJA-CL

18 March 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Cyber Command, 9800 Savage Road, Fort George G. Meade, MD
20755

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. See Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 2 and 3.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning



4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.



6. PROTECTION OF CLASSIFIED INFORMATION.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (c) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

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6. Protective Order, 17 Sep 10

ASHIDEN FEIN
CPT, JA
Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (NSA)
Ms. [REDACTED] (DOJ)

REPLY TO
ATTENTION OFDEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

18 March 2011

MEMORANDUM THRU [REDACTED] [REDACTED] Office of the
General Counsel, Defense Information Systems Agency, 6910 Cooper Avenue, Fort George G.
Meade, MD 20755

FOR Director, Defense Information Systems Agency, 6910 Cooper Avenue, Fort George G.
Meade, MD 20755

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosures 2 and 3.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution team may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.

6. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (c) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

¹ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 6.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution team requests this approval by 31 March 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.

6 Encls

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6. Protective Order, 17 Sep 10

ASHDEN FEIN
 CPT, JA
 Chief, Military Justice

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)
 Mr. [REDACTED] (NSA)
 Ms. [REDACTED] (DOJ)



REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU

Office of the Judge Advocate General [REDACTED] 2200 Army Pentagon.

Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL 33621

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:

Mr. [REDACTED] (OTJAG, DA)

Ms. [REDACTED] (DOJ)

FOR OFFICIAL USE ONLY



REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

7 September 2011

MEMORANDUM THRU

Office of the Judge Advocate General () 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL
33621

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to the previous request dated 28 July 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution. Enclosed is an information paper to further explain an accused's speedy trial rights in the military justice system.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 21 September 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

FOR OFFICIAL USE ONLY

ANJA-CL

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

Encl
as

CF:

Mr. [REDACTED] (OTJAG, DA)

Ms [REDACTED], DOJ)



REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY

COMMAND OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

6 October 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL
33621

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority *complete* their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to previous requests, dated 28 July 2011 and 7 September 2011.
2. **BACKGROUND.** The accused is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. The accused is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the third written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your command and the classification of that information.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. § 810. The only remedy for an Article 10 violation is dismissal of the charges *with prejudice*, a result that may forever bar re-litigating this case. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your command could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests your reviews be completed **no later than 31 October 2011**. Prior to the Article 32 hearing, the prosecution must have your command's completed classification review to proceed. The prosecution strongly anticipates the Article 32 investigation will occur in November. *Any* delay by your command to comply with this firm deadline may *severely* jeopardize the prosecution.

FOR OFFICIAL USE ONLY

ANJA-CL

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:

Mr. [REDACTED] (NSA)

Ms [REDACTED] DOJ)



FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 1)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

18 October 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Central Command, 7115 South Boundary Boulevard, MacDill AFB, FL
33621

SUBJECT: Additional Request for Classification Review - United States v. Private First Class
(PFC) Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority conduct a classification review of the enclosed documents to be used in the criminal prosecution of PFC Manning. See Enclosure 1. This request supplements the prosecution's previous request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹

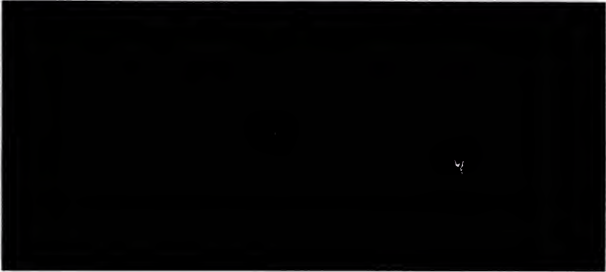


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 2.

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ANJA-CL

SUBJECT: Additional Request for Classification Review - United States v. Private First Class (PFC) Bradley Manning



5. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 5.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Additional Request for Classification Review - United States v. Private First Class (PFC) Bradley Manning

members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE**. The prosecution requests immediate review of these additional documents and inclusion in the review of documents and evidence conducted in response to the prosecution's 18 March 2011 request and subsequent correspondence.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.



ASHDEN FEIN
CPT, JA
Trial Counsel

5 Encls

1. Classified Evidence for Review
2. Charge Sheet, 1 Mar 11
3. Sample Affidavit
4. Sample Cover Letter for OCA
5. Protective Order, 17 Sep 10

CF: (w/cncls)

Mr. [REDACTED] (NSA)

Ms. [REDACTED], DOJ)



REPLY TO
ATTENTION OF

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

7 September 2011

MEMORANDUM THRU [REDACTED] Office of the General Counsel,
Central Intelligence Agency

FOR Original Classification Authority, Central Intelligence Agency

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to the previous request dated 28 July 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your agency could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 21 September 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ, and to minimize any future delays. Enclosed is an information paper to further explain an accused's speedy trial rights in the military justice system.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

Encl
as


ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. [REDACTED] (OTJAG, DA)
Ms. [REDACTED] (DOJ)

FOR OFFICIAL USE ONLY



REPLY TO
ATTENTION OF

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CI.

28 July 2011

MEMORANDUM THRU [REDACTED] Law Enforcement and
Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Updated Request for Classification Review United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHLEIGH FEIN
CPT, JA
Trial Counsel

CF:
Mr. [REDACTED] (OTJAG, DA)
Ms. [REDACTED], DOJ)

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REPLY TO
ATTENTION OF

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

4 August 2011

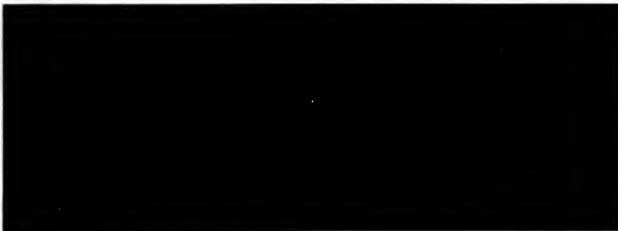
MEMORANDUM THRU [REDACTED] Law Enforcement
and Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. *See* Enclosure 1. This request supplements the prosecution's previous request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Request for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011.

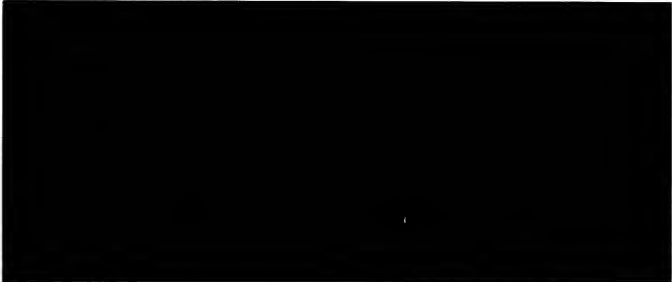


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). *See* Enclosure 2.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.



6. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRF 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

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SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 5.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution requests this review be completed by 19 August 2011. The purpose of this suspense is to ensure the prosecution has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.



ASHDEN FEIN
CPT, JA
Trial Counsel

5 Encls

1. Classified Evidence for Review
2. Charge Sheet, 1 Mar 11
3. Sample Affidavit
4. Sample Cover Letter for OCA
5. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)

Mr. [REDACTED] (NSA)

Ms. [REDACTED], DOJ)



REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

7 September 2011

MEMORANDUM FOR [REDACTED] Law Enforcement and
Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to the previous request dated 28 July 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution. Enclosed is an information paper to further explain an accused's speedy trial rights in the military justice system.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 21 September 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

Encl
as


ASHDEN FERN
CPT, JA
Trial Counsel

CF:
Mr. [REDACTED] (OTIAG, DA)
Ms. [REDACTED] (DOJ)

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

6 October 2011

MEMORANDUM FOR [REDACTED] Law Enforcement and
Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority *complete* their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to previous requests, dated 28 July 2011 and 7 September 2011.

2. **BACKGROUND.** The accused is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. The accused is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the third written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your department and the classification of that information.

3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. § 810. The only remedy for an Article 10 violation is dismissal of the charges *with prejudice*, a result that may forever bar re-litigating this case. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution.

4. **SUSPENSE.** The prosecution requests your reviews be completed **no later than 31 October 2011**. Prior to the Article 32 hearing, the prosecution must have your department's completed classification review to proceed. The prosecution strongly anticipates the Article 32 investigation will occur in November. *Any* delay by your department to comply with this firm deadline *may severely jeopardize* the prosecution.

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. [REDACTED] (OTJAG, DA)
Ms. [REDACTED] (DOJ)

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU

Office of the Judge Advocate General (████████████████████), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZIB), 2200 Army Pentagon, Washington, DC 20310
FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172
SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. David Mayfield (OTJAG, DA)
Ms. Deborah Curtis (CES, DOJ)

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

4 August 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority *finalize* their classification reviews of the enclosed documents and evidence to be used in the criminal prosecution of PFC Manning. See Enclosure 1. This request supplements the prosecution's previous request, dated 18 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ This request memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence. This request is in addition to the Requests for Consent to Disclose Classified Information to the Accused and the Defense, dated 14 March 2011 and 4 August 2011.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 2.

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ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

4. **FUTURE REQUESTS.** This request includes all information presently within the possession of law enforcement and the prosecution which is expected to be used at trial, as set forth in Enclosure 1. The prosecution may submit future requests for classification reviews if additional documents and evidence are determined to be useful during the court-martial process. In addition, the prosecution may submit future requests for classification reviews of classified information the defense intends to introduce during the court-martial, subject to the procedures outlined below.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

6. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 5.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

7. SUSPENSE. The prosecution requests this classification review be completed by 19 August 2011. The purpose of this suspense is to ensure the prosecution has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ.

8. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.



ASHDEN FEIN
CPT, JA
Trial Counsel

5 Encls

1. Classified Evidence for Review
2. Charge Sheet, 1 Mar 11
3. Sample Affidavit
4. Sample Cover Letter for OCA
5. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (NSA)
Ms. [REDACTED], DOJ)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
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FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

7 September 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310

Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to the previous request dated 28 July 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your organization could severely hinder the prosecution. Enclosed is an information paper to further explain an accused's speedy trial rights in the military justice system.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 21 September 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.

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SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

Encl
as

CF:

Mr. [REDACTED] (OTJAG, DA)

Ms. [REDACTED], DOJ)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
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FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

6 October 2011

MEMORANDUM THRU

Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon,
Washington, DC 20310
Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC
20310

FOR Commander, U.S. Southern Command, 3511 Northwest 91st Avenue, Miami, FL 33172

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority *complete* their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to previous requests, dated 28 July 2011 and 7 September 2011.
2. **BACKGROUND.** The accused is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. The accused is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the third written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your command and the classification of that information.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. § 810. The only remedy for an Article 10 violation is dismissal of the charges *with prejudice*, a result that may forever bar re-litigating this case. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your command could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests your reviews be completed **no later than 31 October 2011**. Prior to the Article 32 hearing, the prosecution must have your command's completed classification review to proceed. The prosecution strongly anticipates the Article 32 investigation will occur in November. *Any* delay by your command to comply with this firm deadline may *severely* jeopardize the prosecution.

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SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

5. The point of contact for this memorandum is the undersigned at (202) 685-1975.



ASHDEN FEIN
CPT, JA
Trial Counsel

CF:

Mr. [REDACTED] (OTJAG, DA)

Ms [REDACTED], DOJ)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

28 July 2011

MEMORANDUM THRU [REDACTED], Intelligence, Office of
the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Updated Request for Consent to Disclose Classified Information and Classification Review -
United States v. PFC Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete both the consent to disclose classified material in discovery outlined in the prosecution's original written request, dated 14 March 2011, and the classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence in discovery and at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests the consent and your reviews be completed by 10 August 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHLEEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. [REDACTED] (OTJAG, DA)
Ms. [REDACTED] (DOJ)

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U.S. ARMY MILITARY DISTRICT OF WASHINGTON
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ANJA-CL

7 September 2011

MEMORANDUM THRU [REDACTED], Intelligence, Office of
the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority complete their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to the previous request dated 28 July 2011.
2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the second written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your agency and the classification of those documents and evidence.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. §810. The only remedy for an Article 10 violation is dismissal of the charges with prejudice. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution. Enclosed is an information paper to further explain an accused's speedy trial rights in the military justice system.
4. **SUSPENSE.** The prosecution requests your reviews be completed by 15 September 2011. The purpose of this suspense is to ensure the prosecution team has the adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delays.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

Encl
as


ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr. [REDACTED] (OTJAG, DA)
Ms. [REDACTED], DOJ)

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REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-6013

ANJA-CL

13 October 2011

MEMORANDUM THRU [REDACTED], Intelligence, Office of
the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Updated Request for Classification Review - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority *complete* their classification reviews of the documents listed on the prosecution's original written request, dated 18 March 2011. This request is in addition to previous requests, dated 28 July 2011 and 7 September 2011.
2. **BACKGROUND.** The accused is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. The accused is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law. This request is the third written request that memorializes previous discussions concerning the use of documents and evidence at trial originating in your department and the classification of that information.
3. **SPEEDY TRIAL.** Under Article 10, UCMJ, when an accused is in pretrial confinement, the United States is required to use "reasonable diligence" to continue forward motion on resolving criminal cases. See 10 U.S.C. § 810. The only remedy for an Article 10 violation is dismissal of the charges *with prejudice*, a result that may forever bar re-litigating this case. Additionally, the United States must ensure it does not violate the accused's Sixth Amendment right to a speedy trial. See Barker v. Wingo, 407 U.S. 414 (1972). All existing and future delays by your department could severely hinder the prosecution.
4. **SUSPENSE.** The prosecution requests your reviews be completed **no later than 31 October 2011**. Prior to the Article 32 hearing, the prosecution must have your department's completed classification review to proceed. The prosecution strongly anticipates the Article 32 investigation will occur in November. *Any* delay by your department to comply with this firm deadline may *severely* jeopardize the prosecution.
5. The point of contact for this memorandum is the undersigned at (202) 685-1975.

ASHDEN FEIN
CPT, JA
Trial Counsel

CF:
Mr [REDACTED] (OTIAG, DA)
Ms [REDACTED] (DOJ)

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REPLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 1)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

16 September 2011

MEMORANDUM THRU [REDACTED], Office of the General
Counsel, Central Intelligence Agency

FOR Original Classification Authority, Central Intelligence Agency

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC)
Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests the appropriate authority conduct a classification review of your agency's equities in the enclosed document to be used in the criminal prosecution of PFC Manning. See Enclosure 1.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ The enclosed document for review was published by the Army Counterintelligence Center and released publicly by the WikiLeaks organization on 15 March 2010. It contains potentially classified information belonging to your organization.



¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 2.

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 1)

ANJA-CL

SUBJECT: Request for Classification Review - United States v. Private First Class (PFC) Bradley E. Manning

4. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 5.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed within a secure facility, pursuant to Executive Order and U.S. Army regulations.

5. SUSPENSE. The prosecution requests this review by 30 September 2011. The purpose of this suspense is to ensure the prosecution has adequate documentation for the pre-trial investigation, pursuant to Article 32, UCMJ and to minimize any future delay.

6. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil.



ASHDEN FEIN
CPT, JA
Trial Counsel

5 Encls

1. Classified Evidence for Review
3. Charge Sheet, 1 Mar 11
4. Sample Affidavit
5. Sample Cover Letter for OCA
6. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)

Mr. [REDACTED] (NSA)

Ms. [REDACTED], DOJ)

Appellate Exhibit 339

Enclosure 21

8 pages

classified

"CONFIDENTIAL"

ordered sealed for Reason 3

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 22

10 October 2012

26 August 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 20319

SUBJECT: Request for Delay in the R.C.M. 706 Board to Comply with Prohibitions on Disclosure of Classified Information in *United States v. PFC Bradley Manning*.

1. Pursuant to Executive Order 12958, Section 4.1, defense counsel hereby requests the convening authority delay the R.C.M. 706 board until procedures can be adopted to safeguard any classified information that will be discussed during the board's determination.
2. In support of this request, the defense provides the following:
 - a. On 25 August 2010 defense counsel spoke with PFC Manning telephonically to determine if he would need to discuss classified information during the R.C.M. 706 board inquiry.
 - b. Based upon our discussions with PFC Manning, the defense counsel believes that in order for him to participate in the R.C.M. 706 process and aid the members in their determination of his mental state at the time of the alleged incidents, he will need to divulge classified information.
 - c. The information that PFC Manning will need to divulge will be Secret Sensitive Compartmented Information and Top Secret Sensitive Compartmented Information.
3. Based on the preceding information, the defense requests that the Government determine from the Original Classification Authority (OCA) that the R.C.M. 706 has a "need to know" as part of their assessment of PFC Manning's mental condition.
4. Additionally, pursuant to Executive Order 12958, 12968, and 13292 the defense requests that all members of the R.C.M. 706 board possess the requisite security clearances and that all required steps are taken in order to safeguard the information that they receive from PFC Manning.
5. Since board members notes and any recordings will contain references to classified information, the defense requests that the government appoint a security officer to the board to assist them in the proper handling of their notes and disposal of any information that may contain references to classified information.
6. The defense also requests the results of the government's classification review by the OCA. Specifically, the determination of the classification review regarding (1) the classification level of the information alleged to have been disclosed by PFC Manning when it was subjected to

SUBJECT: Request for Delay in the R.C.M. 706 Board to Comply with Prohibitions on Disclosure of Classified Information in *United States v. PFC Bradley Manning*.

compromise; (2) a determination whether another command requires review of the information; and (3) the general description of the impact of disclosure on affected operations.

7. Finally, the defense requests strict compliance with the disclosure prohibitions of Military Rules of Evidence 302 and R.C.M. 706. Specifically, the defense requests that the board members are informed of the restrictions on disclosure referenced in R.C.M. 706 (c)(5).

8. The POC is the undersigned at (401) 744-3007 or by e-mail at coombs@armycourtartialdefense.com.



DAVID E. COOMBS
Civilian Defense Counsel

UNITED STATES OF AMERICA

v.

**Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211**

**Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial**

Enclosure 23

10 October 2012



REPLY TO
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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

14 March 2011

MEMORANDUM THRU Office of the Judge Advocate General ([REDACTED]), 2200 Army Pentagon, Washington, DC 20310

FOR Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Department of Defense. This evidence is listed on Enclosure 3. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 3 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 4.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. SUSPENSE. The prosecution team requests this consent by 21 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. DoD Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)
[REDACTED], DISA
[REDACTED], JIEDDO



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

14 March 2011

MEMORANDUM THRU [REDACTED] Law Enforcement
and Intelligence, United States Department of State

FOR Original Classification Authority (OCA), United States Department of State

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Department of State. This evidence is listed on Enclosure 3. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 3 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files.

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d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. SUSPENSE. The prosecution team requests this consent by 21 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. DoS Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

21 March 2011

MEMORANDUM THRU [REDACTED] Office of the
General Counsel, Defense Information Systems Agency, 6910 Cooper Avenue, Fort George G.
Meade, MD 20755

FOR Original Classification Authority (OCA), Defense Information Systems Agency

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

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¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

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6. SUSPENSE. The prosecution team requests this consent by 28 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

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ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

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2. Charge Sheet, 1 Mar 11
3. DoD Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

14 March 2011

MEMORANDUM THRU [REDACTED] Office of the General Counsel,
National Security Agency

FOR Original Classification Authority (OCA), National Security Agency

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

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ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. NSA Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

14 March 2011

MEMORANDUM THRU [REDACTED] Intelligence, Office
of the Director of National Intelligence

FOR Original Classification Authority (OCA), Office of the Director of National Intelligence

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

4. APPLICABLE CLASSIFIED INFORMATION. The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Office of the Director of National Intelligence. This evidence is listed on Enclosure 3. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 3 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files.

5. PROTECTION OF CLASSIFIED INFORMATION.

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 4.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

¹ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. SUSPENSE. The prosecution team requests this consent by 21 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. ODNI Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



REFLY TO
ATTENTION OF

FOR OFFICIAL USE ONLY

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

21 March 2011

MEMORANDUM THRU [REDACTED] Office
of the General Counsel, Defense Intelligence Agency

FOR Original Classification Authority, Defense Intelligence Agency

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosures 1 and 2.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

FOR OFFICIAL USE ONLY

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Department of Defense. This evidence is listed on Enclosure 3. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 3 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 4.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. SUSPENSE. The prosecution team requests this consent by 28 March 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Chief, Military Justice

4 Encls

1. Charge Sheet, 5 Jul 10
2. Charge Sheet, 1 Mar 11
3. DoD Classified Evidence List, 14 Mar 11
4. Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



REPLY TO
ATTENTION OF

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

23 June 2011

MEMORANDUM THRU [REDACTED] National Security
Law, Federal Bureau of Investigation

FOR Original Classification Authority, Federal Bureau of Investigation

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media seized from the accused. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Federal Bureau of Investigation. See Enclosure 2.

5. **PROTECTION OF CLASSIFIED INFORMATION**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 3.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 309(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE.** The prosecution team requests this consent by 5 July 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (S//NF) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10

ASHDEN FEIN
CPT/UA
Trial Counsel

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

4 August 2011

MEMORANDUM THRU [REDACTED] National Security
Law, Federal Bureau of Investigation

FOR Original Classification Authority, Federal Bureau of Investigation

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media seized from the accused. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Federal Bureau of Investigation. See Enclosure 2.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 3.

c. Clearances. Each member of the defense team has security clearances at the *minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE.** The prosecution requests this consent by 19 August 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Trial Counsel

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (U) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



REPLY TO
ATTENTION OF

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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

25 June 2011

MEMORANDUM THRU [REDACTED] National Security
Law, Federal Bureau of Investigation

FOR Original Classification Authority, Federal Bureau of Investigation

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media seized from the accused. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Federal Bureau of Investigation. See Enclosure 2.

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b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 3.

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d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

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6. **SUSPENSE.** The prosecution team requests this consent by 5 July 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

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3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (S//NF) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10

ASHDEN FEIN
CPT, USA
Trial Counsel

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

23 June 2011

MEMORANDUM THRU Office of the Judge Advocate General ([REDACTED])
[REDACTED], 2200 Army Pentagon, Washington, DC 20310

FOR Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law. This request supplements the prosecution's previous request, dated 14 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within

FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 2)

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media already approved by your agency for release to the accused and defense counsel. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Department of Defense. See Enclosure 2.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

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the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

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ASHDEN FEIN
CPT, JA
Trial Counsel

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (S//NF) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10



FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 2)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

23 June 2011

MEMORANDUM THRU [REDACTED] Office
of the General Counsel, Defense Intelligence Agency

FOR Original Classification Authority, Defense Intelligence Agency

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution team in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law. This request supplements the prosecution's previous request, dated 14 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.

[REDACTED]


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

[REDACTED]

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media already approved by your agency for release to the accused and defense counsel. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Defense Intelligence Agency. *See Enclosure 2.*

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See Enclosure 3.*

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. SUSPENSE. The prosecution team requests this consent by 5 July 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Trial Counsel

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (S//NF) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10

CF: (w/encs)

Mr. [REDACTED] (OTJAG, DA)



FOR OFFICIAL USE ONLY (SECRET//NOFORN w/ ENCLOSURE 2)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

4 August 2011

MEMORANDUM THRU [REDACTED] National Security
Law, Federal Bureau of Investigation

FOR Original Classification Authority, Federal Bureau of Investigation

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.




¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media seized from the accused. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Federal Bureau of Investigation. See Enclosure 2.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 3.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE.** The prosecution requests this consent by 19 August 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Trial Counsel

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (U) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10

CF: (w/cncls)

Mr. [REDACTED] (OTJAG, DA)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

4 August 2011

MEMORANDUM THRU Office of the Judge Advocate General [REDACTED]
[REDACTED], 2200 Army Pentagon, Washington, DC 20310

FOR Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law. This request supplements the prosecution's previous request, dated 14 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.




¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media already approved by your agency for release to the accused and defense counsel. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Department of Defense. See Enclosure 2.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 3.

c. Clearances. Each member of the defense team has security clearances at the minimum level of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

the time specified by the military judge under subdivision (c) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE.** The prosecution requests this consent by 19 August 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Trial Counsel

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (U) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

4 August 2011

MEMORANDUM THRU [REDACTED], Office
of the General Counsel, Defense Intelligence Agency

FOR Original Classification Authority, Defense Intelligence Agency

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the
Defense - United States v. Private First Class (PFC) Bradley E. Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law. This request supplements the prosecution's previous request, dated 14 March 2011.

2. **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.



¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRF 505(h)(1).

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of one classified document recently extracted from digital media already approved by your agency for release to the accused and defense counsel. The classified document contains information originating from multiple agencies, but a portion of the document has been identified as originating from the Defense Intelligence Agency. *See* Enclosure 2.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 3.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. Private First Class (PFC) Bradley E. Manning

to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. **SUSPENSE.** The prosecution requests this consent by 19 August 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Trial Counsel

3 Encls

1. (U) Charge Sheet, 1 Mar 11
2. (U) Referenced Classified Document
3. (U) Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA)



REPLY TO
ATTENTION OF

CONFIDENTIAL (SECRET//NOFORN//ORCON w/ ENCLOSURE 1)

DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

ANJA-CL

11 August 2011

MEMORANDUM THRU [REDACTED], Office of the General Counsel,
Central Intelligence Agency (C)

FOR Original Classification Authority, Central Intelligence Agency (C)

SUBJECT: Request for Consent to Disclose Additional Detainee Assessment to the Accused and
Defense - United States v. Private First Class (PFC) Bradley Manning (U)

1. (U) **PURPOSE.** The prosecution in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose one additional Joint Task Force Guantanamo (JTF-GTMO) Detainee Assessments Brief (DAB) to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This request supplements the prosecution's previous request to disclose four DABs, dated 6 May 2011. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law. The prosecution intends to include this DAB as one of the charged documents during the Article 32 and at trial.

2. (U) **BACKGROUND.** PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer. PFC Manning is also charged with transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ The DAB referenced in this request was found in the unallocated space on PFC Manning's personal computer. This request memorializes previous discussions concerning the use of this DAB and its classification.

4. (U) **PROTECTION OF CLASSIFIED INFORMATION.**

a. (U) Retain Classification. This request will not affect the classification of any of the subject information.

¹ (U) PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793 and 18 U.S.C. § 1030). See Enclosure 2.

CONFIDENTIAL (SECRET//NOFORN//ORCON w/ ENCLOSURE 1)

ANJA-CL

SUBJECT: Request for Consent to Disclose Additional Detainee Assessment to the Accused and Defense - United States v. Private First Class (PFC) Bradley Manning (U)

b. (U) Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. See Enclosure 4.

c. (U) Clearances. Each member of the defense team has security clearances *at the minimum level of* "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

d. (U) Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. (U) Security Experts. At all times during the viewing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

5. (U) SUSPENSE. The prosecution team requests this consent by 19 August 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any.

6. (U) The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.smil.mil.



ASHDEN FEIN
CPT, JA
Trial Counsel

4 Encls

1. (U) Classified Evidence for Review
2. (U) Charge Sheet, 1 Mar 11
3. (U) Excerpts from Forensic Reports
4. (U) Protective Order, 17 Sep 10

CF: (w/encls)

Mr. [REDACTED] (OTJAG, DA) (U)
Mr. [REDACTED] (NSA) (U)
Ms. [REDACTED], DOJ (U)
Ms. [REDACTED] (ODNI) (U)



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DEPARTMENT OF THE ARMY
U.S. ARMY MILITARY DISTRICT OF WASHINGTON
210 A STREET
FORT LESLEY J. MCNAIR, DC 20319-5013

REPLY TO
ATTENTION OF

ANJA-CL

26 October 2011

MEMORANDUM THRU Office of the Judge Advocate General (██████████), 2200 Army Pentagon, Washington, DC 20310

FOR Deputy Chief of Staff for Intelligence (DAMI-ZB), 2200 Army Pentagon, Washington, DC 20310

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. PFC Bradley Manning

1. **PURPOSE.** The prosecution in the above-referenced case requests, in accordance with Executive Orders 12958 and 13526 (as applicable), consent to disclose classified information originating in your department or agency to PFC Manning and his appropriately cleared defense team, subject to the protections described below. This consent is required for discovery under Article 46, Uniform Code of Military Justice (UCMJ), Rules for Courts-Martial (RCM) 405 and 701, and applicable case law.

2. **BACKGROUND.** PFC Manning is charged with Aiding the Enemy by Giving Intelligence, a violation of Article 104, Uniform Code of Military Justice (UCMJ). Additionally, PFC Manning is charged with downloading various classified documents, photographs, and videos from Secret Internet Protocol Router Network (SIPRNET) websites and transferring them to his personal computer and transmitting this information to persons or organizations not entitled to receive it, in violation of United States law.¹ During the course of the investigation and examination of digital media and documents associated with this case, investigators encountered information originally classified by your department or agency.


¹ PFC Manning is currently charged with multiple violations of the UCMJ, including violating Articles 92, 104, and 134 of the UCMJ (18 U.S.C. § 793, 18 U.S.C. § 1030, and 18 U.S.C. § 641). See Enclosure 1.

² "If the accused reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with a court-martial proceeding, the accused shall notify the trial counsel in writing of such intention and file a copy of such notice with the military judge. Such notice shall be given within

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ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. PFC Bradley Manning



4. **APPLICABLE CLASSIFIED INFORMATION.** The classified information for this request consists of the classified digital evidence, forensic copies of the digital evidence, and copies of the documentary evidence collected in this case that contain classified information identified as originating from the Department of Defense. This evidence is listed on Enclosure 2. This request also includes derivative uses of the classified information originating from the evidence listed on Enclosure 2 and contained in forensic reports, general law enforcement reports, and other compiled documentation within the law enforcement and prosecution case files. U.S. Army CID completed a review of the forensic reports, listed in Enclosure 2 and determined none of the information was classified pursuant to CID's original classification authority. *See* Enclosure 4.

5. **PROTECTION OF CLASSIFIED INFORMATION.**

a. Retain Classification. This request will not affect the classification of any of the subject information.

b. Protective Order. Prior to disclosure and subsequent access to classified information, each member of the defense team will sign a protective order, acknowledging their limitations of access and use. *See* Enclosure 3.

c. Clearances. Each member of the defense team has security clearances *at the minimum level* of "Secret." Only cleared individuals appointed to the defense team by the convening authority and PFC Manning will have access to the disclosed information, under supervision. All panel members and the military judge will have security clearances at the minimum level of "Top Secret."

the time specified by the military judge under subdivision (e) or, if no time has been specified, prior to arraignment of the accused." MRE 505(h)(1).

³ "Courts-martial shall be open to the public unless (1) there is a substantial probability that an overriding interest will be prejudiced if the proceedings remain open; (2) closure is no broader than necessary to protect the overriding interest; (3) reasonable alternatives to closure were considered and found inadequate; and (4) the military judge makes case-specific findings on the record justifying closure." RCM 806(b)(2). A classification review of the information is the usual method of demonstrating the "overriding interest" that will be prejudiced if the proceedings remain open.

ANJA-CL

SUBJECT: Request for Consent to Disclose Classified Information to the Accused and the Defense - United States v. PFC Bradley Manning

d. Secure Facility. All classified information will be stored in a United States government approved secure facility and storage container. The information will only be viewed or tested within a secure facility, pursuant to Executive Order and U.S. Army regulations.

e. Security Experts. At all times during the viewing or testing of the classified information, at least one defense security expert, appointed and employed by the United States, will be present to oversee the proper handling and storage of the classified information. A government security expert will be present for all pretrial and trial proceedings.

6. SUSPENSE. The prosecution team requests this consent by 1 November 2011. The purpose of this short suspense is to provide the defense with copies of the forensic data, derivative forensic reports, and other related material for discovery purposes and to facilitate potential plea negotiations, if any. The prosecution team also requests your response to this memorandum be kept "Unclassified" and, if required, any classified material should be attached as an enclosure.

7. The point of contact for this request is the undersigned at ashden.fein@jfhqncr.northcom.mil, ashden.fein@jfhqncr.northcom.smil.mil, or (202) 685-4572.



ASHDEN FEIN
CPT, JA
Trial Counsel

4 Encls

1. Charge Sheet, 1 Mar 11
2. DoD Classified Evidence List, 26 Oct 11
3. Protective Order, 17 Sep 10
4. Email, 4 Oct 11

Appellate Exhibit 339

Enclosure 24

21 pages

classified

"CONFIDENTIAL"

ordered sealed for Reason 3

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 25

10 October 2012



DEFENSE INFORMATION SYSTEMS AGENCY

P. O. BOX 549
FORT MEADE MARYLAND 20755-0549

IN REPLY
REFER TO

Chief of Staff (DS)

MAR 24 2011

MEMORANDUM FOR CAPTAIN ASHDEN FEIN, TRIAL COUNSEL U.S. V. MANNING

SUBJECT: Authorization to Disclose Classified DISA Data to Accused and Defense Counsel

Reference: Your Memo, Request for Consent to Disclose Classified Information
Correspondence section to the Accused and the Defense – United States v.
Private First Class Bradley E. Manning, 21 Mar 11

1. In response to the reference, as the successor to the original classification authority (OCA) who issued Defense Information Systems Agency (DISA) Circular 300-115-3, Defense Information System Network (DISN) Secret Internet Protocol Routing Network (SIPRNet) Security Classification Guide, 26 September 2007, I hereby authorize the disclosure of the classified DISA data specified in enclosure 3 of your memorandum to the accused and defense counsel, so long as all the protective measures referenced in your memorandum are imposed.

2. My point of contact for this matter is Ms. [REDACTED] at [REDACTED] or [REDACTED]@disa.mil.



Brigadier General, USA
Chief of Staff



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-5100



U-11-174/GC

7 April 2011

To: Staff Judge Advocate
Military District of Washington
ATTN: CPT Ashden Fein
210 A Street
Fort Lesley J. McNair
Washington, D.C. 20319-5013

Subject: Disclosure of Classified Information to Defense Counsel and Experts – United States v. Private First Class (PFC) Bradley E. Manning

1. This responds to your request of 21 March 2011 seeking DIA approval to disclose unspecified DIA-originated classified information to PFC Manning and his cleared defense counsel and experts in conjunction with pre-trial discovery and preparations.

2. On 5 April, [REDACTED], the [REDACTED] Defense Counterintelligence and Human Intelligence Center, approved your request. In granting his approval, [REDACTED] emphasized several points, as follows:

a. Security issues are of paramount importance and all information disclosed to the defense team must be handled in compliance with the Protective Order for Classified Information. No information classified greater than Secret will be released to the defense team.

b. Based on the results of DIA's Information Review Task Force (IRTF), DIA is not aware that any DIA-originated information is included on the electronic media listed on Enclosure 3 to your request.

c. DIA requests that if during pre-trial preparations the prosecution or defense teams identify any intelligence reports or intelligence-related information contained on the electronic media listed on Enclosure 3 of your request not previously discovered, that you notify this agency so those items may be reviewed in connection with responsibilities that have been assigned to the IRTF.

d. [REDACTED] approval is limited to discovery and pre-trial preparations only and does not include authorization to use any DIA information at trial. Any proposed use of DIA information at trial will require an information-specific request.

3. If you have any questions or require additional assistance, please contact Mr. [REDACTED], Assistant General Counsel at [REDACTED] or by e-mail to [REDACTED]@dia.mil.

[REDACTED]

[REDACTED] General Counsel

[REDACTED]



United States Department of State

Washington, D.C. 20520

March 29, 2011

Captain Ashden Fein
Chief, Military Justice
U.S. Army Military District of Washington
210 A Street
Fort Lesley J. McNair, DC 20319-5013

RE: Request for Consent to Disclose Classified Information to the Accused and the Defense –
United States v. Private First Class (PFC) Bradley E. Manning

Dear Captain Fein:

This letter responds to the request in your letter, dated March 14, 2011 ("disclosure request letter"), for consent to disclose classified Department of State information to Pfc. Bradley Manning and his appropriately cleared defense team as part of discovery in the above-referenced case. The Department has approved the disclosure of the information listed on Enclosure 3 of the disclosure request letter, with the exception of the item listed as 2(c) (Voucher 124-10, Item 1), on which the Department takes no position as we understand this item does not implicate Department of State equities.

The Department gives its consent to disclose this information subject to the protections stated in your disclosure request letter, which include that all individuals who receive the information must sign a protective order, that the information will remain classified and will be handled consistent with that classification, and that use of the information at trial would require prior approval of the military judge and imposition of protective measures such as redactions or closing the courtroom to the public for portions of the proceedings. Should there be any change in those protections and applicable arrangements for the handling of classified information by the defense team, the Department requests that you provide us with prompt notification.

Please feel free to contact me should you have any questions.

Sincerely,

Enforcement and Intelligence

SENSITIVE BUT UNCLASSIFIED
FOR OFFICIAL USE ONLY

From: [REDACTED]@nsa.smil.mil on behalf of [REDACTED]
To: Fein, Ashden CPT USA JFHO-NCB/MDW SJA
Cc: Morrow III, JoDean CPT USA JFHO-NCB/MDW SJA; [REDACTED] CIV USA OTIAG; [REDACTED]
Subject: (U) ICO PFC Manning
Date: Thursday, April 28, 2011 5:30:55 PM

Classification: CONFIDENTIAL//REL TO USA, AUS, CAN, GBR, NZL

Ashden-

Thanks for taking the time to meet with us this afternoon regarding our review of the information provided by you on a CD that is proposed for discovery in the court-martial process as it relates to PFC Bradley Manning. Our Agency has reviewed the documents and information provided on the CD and has no objection to providing that information to cleared defense counsel pursuant to the protective order with the understanding that the documents will be properly stored, handled and maintained.

If you have any questions or concerns or want to discuss in more detail, please let me know. Thanks.

v/r

[REDACTED]
[REDACTED]
[REDACTED]

Office of General Counsel (Litigation)

Attorney Client Privileged//Attorney Work Product//Do Not Release without OGC Approval

Derived From: NSA/CSSM 1-52

Dated: 20070108

Declassify On: 20360401

Classification: CONFIDENTIAL//REL TO USA, AUS, CAN, GBR, NZL

Appellate Exhibit 339

Enclosure 26

1 page and 4 CDs

classified

"SECRET"

ordered sealed for Reason 2

Military Judge's Seal Order

dated 20 August 2013

stored in the classified

supplement to the original

Record of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 27

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
150TH JUDGE ADVOCATE GENERAL DETACHMENT (LSO)
MG ALBERT C. LIEBER USAR CENTER
6901 TELEGRAPH ROAD
ALEXANDRIA, VIRGINIA 22310-3320

ARRC-CAR-LSQ

12 August 2010

MEMORANDUM FOR Commander, U.S. Army, Joint Base Myer-Henderson Hall, Fort Myer,
VA 22211

SUBJECT: Delay of Article 32 Investigation of PFC Bradley Manning

1. On 11 August 2010, the defense submitted a request for delay in the Article 32 investigation pertaining to PFC Manning. The defense requested that the delay be granted until the Rule for Courts-Martial 706 Sanity Board is completed. I recommend that you approve the defense delay.
2. If you approve the defense request, I recommend that you attribute any delay to the defense.
3. Point of contact is the undersigned at 202-616-2250.

Paul R ✓
PAUL R. ALMANZA
LTC, JA, USAR
Investigating Officer

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 28

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

12 OCT 10

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 12 July 2010 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanitary Board, dated 11 July 2010 and Defense Renewed Request for Sanitary Board, dated 18 July 2010 (enclosed).
 - c. Defense Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense, dated 25 August 2010 (enclosed).
 - d. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
 - e. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - f. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - g. Preliminary Classification Review of the Accused's Mental Impressions, dated 17 September 2010 (enclosed), and Superseding Order, dated 22 September 2010 (enclosed).
 - h. Defense Response to the Preliminary Classification Review of the Accused's Mental Impressions, dated 28 September 2010 (enclosed).

IMND-MHH-ZA

Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

Encls
as



CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

10 NOV 2010

IMND-MHH-ZA

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 12 October 2010 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - f. Preliminary Classification Review of the Accused's Mental Impressions, dated 17 September 2010 (enclosed), and Superseding Order, dated 22 September 2010 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

Encls
as

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (w/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

17 DEC

IMND-MH11-ZA

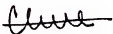
MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 10 November 2010 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

Encls
as

CF: (w/encs)
1-Trial Counsel
1-Defense Counsel


CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

14 JAN 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) -- U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 17 December 2010 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
— 204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

15 Feb 2011

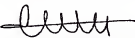
MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 14 January 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities (OCA) reviews of classified information.
 - b. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed). Completed 3 February 2011 (enclosed).
 - c. Defense Request for Delay in the RCM 706 Board to Comply with Prohibitions on Disclosure of Classified Information, dated 26 August 2010 (enclosed). Completed 31 January 2011.
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed). Completed 3 February 2011.
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel


CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

18 MAR 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

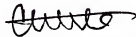
1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 15 February 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Sanity Board, dated 11 July 2010 and Defense Renewed Request for Sanity Board, dated 18 July 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - f. RCM 706 Sanity Board Extension Request, dated 14 March 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. The previous memorandum, dated 15 February 2011, inaccurately reflected that the sanity board was completed on 3 February 2011. The sanity board is ongoing. The memorandum also inaccurately reflected that PFC Manning was granted access to classified information on 3 February 2011. To date, the various OCAs involved in this case have not granted PFC Manning access to classified information originating from their department or agency.

IMND-MHH-ZA

Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

6. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as



CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

22 April 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 18 March 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Sanitary Board, dated 11 July 2010 and Defense Renewed Request for Sanitary Board, dated 18 July 2010 (enclosed).
 - d. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - e. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - f. RCM 706 Sanitary Board Extension Request, dated 14 March 2011 (enclosed).
 - g. RCM 706 Sanitary Board Extension Request, dated 15 April 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.

IMND-MHH-ZA

Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley Manning

5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as

for [Signature] SEC
CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

12 MAY 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 22 April 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 25 April 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

JUN 17 2011

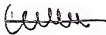
IMND-MHH-ZA

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) U.S. v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 12 May 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 22 May 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

13 JUL 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – U.S. v. PFC Bradley E. Manning


1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.

2. **EXCLUDABLE DELAY.** The period from 17 June 2011 until the date of this memorandum is excludable delay under RCM 707(c).

3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:

- a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 5 Jul 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL., AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA


185 AUG 11

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley E. Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 13 July 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The above delay is based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 25 July 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

15 SEP 2011

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 10 August 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 25 August 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel

CARL R. COFFMAN, JR.
COL, AV
Commanding



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

14 OCT 2011

IMND-MHH-ZA

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 15 September 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Defense Request for Appropriate Security Clearances for the Defense Team and Access for PFC Manning, dated 3 September 2010 (enclosed).
 - e. Government Request for Delay of Article 32 Investigation, dated 26 September 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

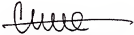
16 Nov 11

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 14 October 2011 until the date of this memorandum is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Government Request for Delay of Article 32 Investigation, dated 27 October 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Trial Counsel
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

3 JAN 2012

MEMORANDUM FOR RECORD

SUBJECT: Accounting of Excludable Delay under Rule for Courts-Martial 707(c) – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this memorandum is to provide a periodic accounting for any excludable delay under Rule for Courts-Martial (RCM) 707(c) in the above-referenced matter.
2. **EXCLUDABLE DELAY.** The period from 16 November 2011 up to and including 15 December 2011 is excludable delay under RCM 707(c).
3. **BASIS OF DELAY.** The period of excludable delay is reasonable based on the following extensions, defense requests, responses, and the facts and circumstances of this case:
 - a. Original Classification Authorities' (OCA) reviews of classified information.
 - b. OCA consent to disclose classified information.
 - c. Defense Request for Results of the Government's Classification Reviews by the OCA, dated 26 August 2010 (enclosed).
 - d. Government Request for Delay of Article 32 Investigation, dated 10 November 2011 (enclosed).
4. **PREVIOUS DELAYS.** This accounting of excludable delay is not intended to supersede any previous delays, but merely account for excludable delays from the previous accounting to the date of this memorandum.
5. I acknowledge and reviewed the defense request for speedy trial, dated 13 January 2011 (enclosed), and the renewed request for speedy trial, dated 25 July 2011 (enclosed).

Encls
as


CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (w/encs)
1-Trial Counsel
1-Defense Counsel

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 29

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

3 FEB 2011

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307 5001

SUBJECT: Order to Resume Conducting Sanity Board - PFC Bradley Manning

1. **Background.** On 3 August 2010, I ordered a medical examination into the mental capacity and mental responsibility of PFC Bradley Manning, [REDACTED], Headquarters and Headquarters Company, U.S. Army Garrison, Fort Myer, Virginia, 22211. Prior to the board beginning their assessment, I received a request from defense counsel on 25 August 2010 to delay the board until an expert consultant in forensic psychiatry could be appointed to the defense team. I approved that defense delay request on the same day. On 26 August 2010, I received an additional defense request to delay the board until procedures could be adopted to have the board comply with disclosure prohibitions on classified information. I approved that delay and subsequently addressed defense concerns involving the disclosure of classified information during the board process.
2. **Order.** I order your team to resume the medical examination into the mental capacity and mental responsibility of PFC Bradley Manning.
3. **Reasons.** The reasons for my previous order were based on the information contained in the Defense Request for Sanity Board, dated 11 July 2010 and the Defense Renewed Request for Sanity Board, dated 18 July 2010. According to the defense request, PFC Manning had been diagnosed with adjustment disorder with mixed disturbances of emotions and conduct. The defense alleged that PFC Manning's leadership repeatedly expressed concerns about his mental health, and PFC Manning was placed on suicide watch while in pretrial confinement in Kuwait.
4. **Composition of the Board.** In accordance with Rule for Courts-Martial (R.C.M.) 706(c), the board shall consist of one or more persons who are physicians or clinical psychologists. Defense requested that the board consist of three members, including at least one forensic psychiatrist, one forensic psychologist, and one neuropsychiatrist. You may, but are not required to comply with the defense request. At least one member of the board, however, shall be either a psychiatrist or a clinical psychologist. You will conduct the board and designate the appropriate personnel from within your staff to comprise all or part of the board.
5. **Defense Request for Appointment of an Expert Consultant.** I appointed CAPT Kevin D. Moore as a defense expert consultant in forensic psychiatry and a member of the defense team under U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987) and Military Rule of Evidence 502. The defense requested this expert be permitted to evaluate and work with PFC Manning prior to the R.C.M. 706 board and that the expert be permitted to monitor the examinations conducted by

members of the board. As such, I authorize the senior member of the board, in consultation with PFC Manning's primary behavioral health care provider, to address the defense requests and determine the extent to which the defense expert consultant may participate in the board's inquiry.

6. **Special Security Instructions.** The defense proffered that PFC Manning would likely need to divulge information potentially rising to the TS/SCI level in order to aid the members in their determination of his mental state at the time of the alleged incidents. The following special instructions apply to the portion of the board requiring discussion of classified information with PFC Manning:

a. Each member of the board will be cleared up to the TS/SCI level and be read on to the following compartments: SI/TK/G/HCS. Until each member of the board is read-on, the board will not conduct the portion of the examination requiring discussions with PFC Manning.

b. Each member of the board has a "need-to-know" for the purposes of discussing classified information with PFC Manning during their inquiry. The only classified information available to the board is the mental impressions of PFC Manning.

c. Each member of the board will read and acknowledge the enclosed Protective Order no later than three duty days following the date of this memorandum.

d. The board will conduct all their examinations and testing in an unclassified environment, except the portion of the examination and testing requiring discussions with PFC Manning will occur in a Sensitive Compartmented Information Facility (SCIF). The board will organize their inquiry and examinations in a manner that minimizes the impact of delay due to issues arising from the disclosure of classified information by PFC Manning.

e. The board will notify the trial counsel no less than four duty days before conducting the portion of the board requiring interviews with PFC Manning. The trial counsel is responsible for identifying an appropriate SCIF for the discussion of classified information and providing adequate privacy for the board.

f. To the extent possible, the board will take and maintain only unclassified notes and transcriptions; however, any notes or transcriptions that must contain classified information or potentially classified information will be handled in accordance with applicable law, regulations, the Protective Order, and any specific security procedures your security officer delineates. A security officer will review all notes and transcripts to determine the proper classification.

g. I appointed Mr. Charles Ganiel and Mr. Cassius Hall as defense security expert consultants. Mr. Ganiel or Mr. Hall will also act as the security officer for the board and should be consulted when classified information issues arise. The security expert is directly responsible for storage and handling of all classified information, to include the board members' notes and any transcriptions. The security expert is not required to participate in the board proceedings,

but will be physically present at the location for on-site consultation, security inspections, and to assist with handling and storage of classified information.

h. All reports drafted and submitted by the board to the parties in this case will be unclassified. If a report must contain classified information, submit a written request to me, through the trial counsel.

7. **Required Findings.** The board is obligated in its evaluation to make separate and distinct findings as to 7a-7c (below), using diagnostic tools that the board, in its professional discretion, believes to be necessary and appropriate. In their request, defense counsel posed a number of specific requests for matters to be evaluated and specific tests to be conducted. You may, therefore, conduct the tests and answer the questions requested by the defense counsel in 7f 7k and 9 (below), but are not required to do so.

a. Does PFC Manning currently have a severe mental disease or defect? If the answer to "a" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the American Psychiatric Association's Diagnostic and Statistical Manual IV (DSM IV)?

(2) Is this severe mental disease or defect service disqualifying?

(3) What is PFC Manning's prognosis for recovery?

(4) Can this severe mental disease or defect be successfully controlled by treatment with drugs?

(5) Does the long-term commitment of PFC Manning appear to be a necessary alternative?

b. Does PFC Manning have the mental capacity to understand the nature of the proceedings and the seriousness of the charges against him? If the answer to "b" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

c. Does PFC Manning have the mental capacity to cooperate intelligently in his own defense? If the answer to "c" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

d. At the time of the alleged criminal conduct, did PFC Manning have a severe mental disease or defect? If the answer to "d" is yes, answer the following four questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was PFC Manning able to appreciate the nature and quality or wrongfulness of his conduct?

(3) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct which differs from that of society as a whole?

(4) Was this impairment complete?

e. At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was PFC Manning able to appreciate the nature and quality or wrongfulness of his conduct? If the answer to "e" is yes, answer the following three questions.

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct, which differs from that of society as a whole?

(3) Was this impairment complete?

f. Was PFC Manning, at the time of the offense, able to formulate a specific intent to commit the alleged acts, to know the probable consequences of his actions, or to premeditate a design to commit the acts? If the answer to "f" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

g. What personality type does PFC Manning possess?

h. What is the PFC Manning's intelligence level?

i. Does PFC Manning suffer from any mental condition that seriously interferes with his ability to think, respond emotionally, remember, communicate, interpret reality, and behave appropriately? If the answer to "i" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

j. Does PFC Manning have an organic brain/nervous system disorder or impairment that would impact his ability to think reason, perceive, recall, or in any way control his behavior or his thoughts? If the answer to "j" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

k. Does PFC Manning suffer from any level of Post Traumatic Stress Disorder? If the answer to "k" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

8. Consideration.

a. The sanity board should, at a minimum, consider all of the following materials in reaching their findings:

(1) The results of psychological and neurological tests, including raw psychological test data.

(2) PFC Manning's mental health records.

(3) PFC Manning's medical records.

(4) Interviews with PFC Manning.

(5) The charge sheet.

b. You may consider, at your professional discretion, any additional questions or matters posed by the defense if such matters are received no later than two weeks of the date of this memorandum.

9. In conjunction with the sanity board, you shall also complete a comprehensive neurological examination to include a CAT scan.

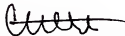
SUBJECT: Order to Resume Conducting Sanity Board PFC Bradley Manning

10. **Movement for Appointments.** The board will notify the trial counsel no less than four duty days before any scheduled appointment for medical evaluation or testing, in order for the trial counsel to arrange adequate transportation and security.

11. **Release of Report.** Upon conclusion of the inquiry, the sanity board must comply with the disclosure prohibitions of Military Rule of Evidence 302, and R.C.M. 706(c)(3) and the special security instructions in paragraph 6, above. Only a statement consisting of the sanity board's ultimate conclusions as to the questions in paragraph 7a through 7k will be provided to the trial counsel. A full report, which may include statements made by PFC Manning or any evidence derived from such statements, should be provided to PFC Manning's civilian and military defense counsel, Mr. David E. Coombs and MAJ Matthew Kemkes.

12. **Telephone Numbers.** CPT Ashden Fein is the government counsel. CPT Fein may be reached at (202) 685-4903. Information pertaining to PFC Manning can be obtained from his defense counsel, Mr. David E. Coombs, at 1-800-588-4156 or his military defense counsel, MAJ Kemkes, at 703-696-6700.

13. **Suspense.** This medical examination and your findings shall be completed no later than four weeks from the date of this memorandum. Any extension of time must be submitted through the trial counsel to me for approval.



CARL R. COFFMAN, JR.
COL, AV
Commanding

5 Encls

1. Requests, 11 Jul 10, 18 Jul 10
2. Protective Order, 17 Sep 10
3. Protective Order Acknowledgment
4. Charge Sheet
5. Allied Documents

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 30

10 October 2012



DEPARTMENT OF THE ARMY
WALTER REED ARMY MEDICAL CENTER
WALTER REED HEALTH CARE SYSTEM
WASHINGTON, DC 20307-5001

MCHL-FPS

14 March 2011

MEMORANDUM FOR: CONVENING AUTHORITY, COL CARL R. COFFMAN, Jr.,
JOINT BASE MYER-HENDERSON HALL, 204 LEE AVENUE, FORT MYER, VIRGINIA
22211-1199

SUBJECT: Extension requested for Sanity Board - PFC Bradley Manning.

1. An extension is requested for completion of the RCM 706 Sanity Board in the case of PFC Bradley Manning. The original order asked that the report be completed by 3 March 2011.
2. The evaluators are coordinating suitable dates and times for the final evaluation session to take place. This involves multiple parties. Additionally, the final interview will take place at a SCIF and this has resulted in the consumption of extra time for this aspect of the evaluation to be coordinated. We anticipate that the final date for the evaluation should take place in the first ten days of April 2011 and are expecting that this will be confirmed today.
3. We are asking for three weeks from the date of the final interview to deliver the completed evaluation reports to the respective parties. Hence, we ask for a suspense date of Friday, 29 April 2011.
4. POC for this memorandum is Dr. Michael Sweda, WRAMC Psychology Department, Forensic Psychology Service, 202-782-0065,

MICHAEL SWEDA, PH. D, ABPP (Forensic)
CHIEF, FORENSIC PSYCHOLOGY SERVICE
Forensic Psychologist



DEPARTMENT OF THE ARMY
WALTER REED ARMY MEDICAL CENTER
WALTER REED HEALTH CARE SYSTEM
WASHINGTON, DC 20307-5001

MCHL-FPS

15 April 2011

MEMORANDUM FOR: CONVENING AUTHORITY, COL CARL R. COFFMAN, Jr.,
JOINT BASE MYER-HENDERSON HALL, 204 LEE AVENUE, FORT MYER, VIRGINIA
22211-1199

SUBJECT: Extension requested for Sanity Board - PFC Bradley Manning.

1. An extension is requested for completion of the RCM 706 Sanity Board in the case of PFC Bradley Manning. The current suspense is 16 April.
2. The final interview with SPC Manning was conducted on 9 April. The Board has been diligently working on completion of the long report. We are nearing finalization of the report, but have had limited availability to meet as a full board to discuss the report. This is because of conflicting schedules and demands of the three board members.
3. The board respectfully requests an extension of the suspense to COB on Friday, 22 April 2011 to allow full and adequate time to discuss and review all pertinent findings.

MICHAEL SWEDA, Ph.D., ABPP (Forensic)
CHIEF, FORENSIC PSYCHOLOGY SERVICE
Forensic Psychologist

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 31

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VA 22211-1199

IMND-MIHH-ZA

18 MAR 2011

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307-5001

SUBJECT: Extension Request for RCM 706 Sanity Board – U.S. v. PFC Bradley Manning

I have reviewed the request for an extension of the RCM 706 Sanity Board for PFC Manning. The request is:

☒) approved. The Sanity Board will be completed no later than 16 April 2011. Any other extension of time must be submitted through the trial counsel to me for approval.

() disapproved. The Sanity Board will proceed as previously ordered.

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Defense Counsel



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VA 22211-1199

IMND-MHH-ZA

15 APRIL 2011

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307-5001

SUBJECT: Extension Request for RCM 706 Sanitary Board – U.S. v. PFC Bradley Manning

I have reviewed the request for an extension of the RCM 706 Sanitary Board for PFC Manning. The request is:

☒ approved. The Sanitary Board will be completed no later than 22 April 2011. Any other extension of time must be submitted through the trial counsel to me for approval.

☐ disapproved. The Sanitary Board will proceed as previously ordered.

CARL R. COFFMAN, JR.
COL, AV
Commanding

CF: (wo/encls)
1-Defense Counsel

Appellate Exhibit 339

Enclosure 32

4 pages

ordered sealed for Reason 4

Military Judge's Seal Order

dated 20 August 2013

stored in the original Record

of Trial

UNITED STATES OF AMERICA

v.

Manning, Bradley E.

PFC, U.S. Army,

HHC, U.S. Army Garrison,

Joint Base Myer-Henderson Hall

Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 33

10 October 2012



REF ID: A66666
ATTENTION OF:

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND
UNITED STATES DIVISION - CENTER
CAMP LIBERTY, IRAQ
APO AE 98344

AETV-THZ

22 October 2010

MEMORANDUM FOR RECORD

SUBJECT: United States v. Manning, events surrounding the appointment of a RMC 706 Board

1. This memorandum provides the timeline and action taken by myself and others to coordinate for a Rule for Courts-Martial (RCM) 706, inquiry into the mental capacity or mental responsibility of Private First Class (PFC) Bradley Manning.

2. On 29 May 2010 PFC Manning entered pretrial confinement at the Theater Field Confinement Facility (TFCF) at Camp Arifjan, Kuwait. On 28 June, [REDACTED], Area Support Group-Kuwait, contacted the trial counsel, Captain (CPT) Alison Atkins to notify us that PFC Manning was exhibiting behavioral problems and would have to be transferred to a Regional Confinement Facility (RCF) soon if he were to stay in pretrial confinement.

3. On 30 June the [REDACTED] contacted [REDACTED], United States Forces - Iraq (USF-I) SJA to find out the plans for moving PFC Manning to a long term confinement facility. The leadership at the TFCF relayed that PFC Manning was refusing to comply with Cadre guidance, that he displayed alleged mental status changes, and that he was seen by doctors at the TFCF medical facility for self-inflicted injuries.

4. On 1 July, in anticipation of a defense request for a RCM 706 board, and the possibility of our transferring PFC Manning to the Mannheim Area Confinement Facility (ACF) in Germany (based on the TFCF's request for transfer), CPT Atkins contacted medical personnel at Europe Regional Medical Command and Landstuhl Regional Medical Command to begin coordination for the board and to identify a provider.

5. On 3 July the Expeditionary Medical Facility in Kuwait examined PFC Manning and wrote a memo stating that PFC Manning's mental condition had deteriorated and that they recommended that he be moved to a correctional facility that could provide him with additional care. On 4 July [REDACTED] informed [REDACTED] that the CG, Third Army / USARCENT ordered that we transfer PFC Manning from the TFCF due to their lack of resources to provide specialized mental health care as soon as we identified an appropriate facility that was willing to accept him.

6. I discussed the issue with CPT Atkins and [REDACTED] and we decided that the best course of action was to prefer charges and get the RCM 706 board and Article 32 hearing conducted before

AETV-TH/

SUBJECT United States v. Manning, events surrounding the appointment of a RCM 706 Board

transferring him out of theater. We made this decision in part based on the request of his defense counsel in Iraq

7. On 5 July the government preferred charges against PFC Manning; the special court martial convening authority (SPCMA) appointed LTC Craig Merutka as the Article 32 officer on 7 July. LTC Merutka scheduled the Article 32 for 14 July. On 11 July, PFC Manning's defense counsel, CPT Paul Bouchard, made a formal request for a RCM 706 board and a delay in the Article 32 hearing. Upon receiving CPT Bouchard's request, CPT Atkins contacted the [REDACTED], to get the name of the provider who would conduct the board. [REDACTED] requested assistance from [REDACTED] to task a provider to conduct the board. [REDACTED] recommended that we ask CENTCOM for assistance.

8. To comply with the Third Army / USARCENT CG's transfer request, [REDACTED] signed a memorandum on 11 July requesting that the Commander, Army Corrections Command transfer PFC Manning to the Mannheim ACF located in Germany.

9. On 12 July the SPCMA approved defense's request for a delay for the Article 32 hearing until 16 August. Additionally, CPT Atkins reengaged with [REDACTED] and [REDACTED], and expressed the urgency of identifying a provider to conduct the board. [REDACTED] responded that no one would volunteer due to the time requirements and told CPT Atkins that she would need to go through either CENTCOM or ARCENT for the tasking.

10. At this point on 12 July, I contacted by email the [REDACTED] for assistance. I explained that USD-C only had one provider qualified to conduct the board (I found out later that she was not qualified) and that she could not perform the board due to a conflict of interest. As a result I asked if USF-I would be willing to task a provider.

11. Based on my request, [REDACTED] contacted [REDACTED], for assistance; [REDACTED] responded that because PFC Manning was located in Kuwait it was outside his area of operation and could not task a provider. Later that night I spoke telephonically with [REDACTED] requesting [REDACTED] assistance in having USF-I task a provider on the basis that although PFC Manning was located in Kuwait, he still belonged to USD-C and we were requesting a USF-I doctor.

12. On 13 July [REDACTED] contacted me to emphasize that we needed to transfer PFC Manning as soon as we found an appropriate facility and not to wait until after the RCM 706 board. Shortly after, [REDACTED] called and informed me that USF-I would facilitate getting the RCM 706 provider appointed; at that point I asked him to hold off because I was working to identify a confinement facility near mental health resources to transfer PFC Manning. I expected the process to take two to five days.

AETV-111Z.

SUBJECT: United States v. Manning, events surrounding the appointment of a RMC 706 Board

13. From 13 to 15 July I worked with LTC Brian Hughes, Chief Military & Civil Law Division, Office of the Judge Advocate, US Army Europe and [REDACTED], Army Corrections Command to try and transfer PFC Manning to the Mannheim ACF. The Mannheim ACF was unable to take him. At that point [REDACTED] identified the Army RCF at Joint Base Lewis-McChord, WA. Due to issues unrelated to this case, we could not transfer PFC Manning to the RCF at Joint Base Lewis-McChord. On 27 July [REDACTED], [REDACTED] US Army Military District of Washington (MDW) agreed to take General Court-Martial jurisdiction over PFC Manning. The Army Corrections Command transferred PFC Manning on 29 July to the brig at Quantico Marine Base, Virginia.

14. Additionally, on 27 July [REDACTED] reengaged [REDACTED] for her assistance on getting a provider appointed to conduct the RCM 706 board because we had heard that the transfer would take up to another week to complete. The issue became moot when [REDACTED] notified us that PFC Manning would depart Kuwait on 29 July.

15. Immediately upon PFC Manning's arrival at the Quantico Brig Marine on 29 July 2010, the trial counsel at US Army MDW began to coordinate for the RCM 706 board.



[REDACTED]
Deputy Staff Judge Advocate

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 34

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY INSTALLATION MANAGEMENT COMMAND
HEADQUARTERS, U.S. ARMY GARRISON
204 LEE AVENUE
FORT MYER, VA 22211-1199

IMNE-MYR-ZA

3 AUG 2010

MEMORANDUM FOR Chief, Forensic Psychology, Walter Reed Army Medical Center,
Washington, DC 20307-5001

SUBJECT: Order for Sanity Board - PFC Bradley Manning

1. **Order.** I order a medical examination into the mental capacity and mental responsibility of PFC Bradley Manning, [REDACTED] Headquarters and Headquarters Company, U.S. Army Garrison, Fort Myer, Virginia, 22211.

2. **Reasons.** The reasons for this order are based on the information contained in the Defense Request for Sanity Board, dated 11 July 2010 and the Defense Renewed Request for Sanity Board, dated 18 July 2010. According to defense's request, PFC Manning has been diagnosed with adjustment disorder with mixed disturbances of emotions, conduct. Defense also alleges that PFC Manning's leadership repeatedly expressed concerns about his mental health and PFC Manning was placed on suicide watch while in pre-trial confinement in Kuwait.

3. **Composition of the Board.** In accordance with Rule for Court-Martial (R.C.M.) 706(c), the board shall consist of one or more persons who are physicians or clinical psychologists. Defense requests that the board consist of three members, including at least one forensic psychiatrist, one forensic psychologist, and one neuro psychiatrist. You may, but are not required to comply with defense's request. At least one member of the board, however, shall be either a psychiatrist or a clinical psychologist. You will conduct the board and designate the appropriate personnel from within your staff to comprise all or part of the board.

4. **Required Findings.** The Board is obligated in its evaluation to make separate and distinct findings as to 4a-4c (below), using diagnostic tools that the Board, in its professional discretion, believes to be necessary and appropriate. In his request, the defense counsel posed a number of specific requests for matters to be evaluated and specific tests to be conducted. You may, therefore, conduct the tests and answer the questions requested by the defense counsel in 4f-4k and 6 (below), but are not required to do so.

a. Does the accused currently have a severe mental disease or defect? If the answer to "a" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the American Psychiatric Association's Diagnostic and Statistical Manual IV (DSM IV)?

(2) Is this severe mental disease or defect service disqualifying?

(3) What is the accused's prognosis for recovery?

(4) Can this severe mental disease or defect be successfully controlled by treatment with drugs?

(5) Does the long-term commitment of the accused appear to be a necessary alternative?

b. Does the accused have the mental capacity to understand the nature of the proceedings and the seriousness of the charges against her? If the answer to "b" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

c. Does the accused have the mental capacity to cooperate intelligently in her own defense? If the answer to "c" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Can this mental disease or defect be successfully treated/controlled by treatment with drugs?

(3) What is the prognosis and expected time for recovery?

d. At the time of the alleged criminal conduct, did the accused have a severe mental disease or defect? If the answer to "d" is yes, answer the following four questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was the accused able to appreciate the nature and quality or wrongfulness of her conduct?

(3) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct which differs from that of society as a whole?

(4) Was this impairment complete?

e. At the time of the alleged criminal misconduct, and as a result of such severe mental disease or defect, was the accused able to appreciate the nature and quality or wrongfulness of her conduct? If the answer to "e" is yes, answer the following three questions.

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) Is this severe mental disease or defect merely a defect of character or personality caused by inadequate training and development, lack of moral restraint, or a personal, social, or cultural standard of conduct which differs from that of society as a whole?

(3) Was this impairment complete?

f. Was the accused, at the time of the offense, able to formulate a specific intent to commit the alleged acts, to know the probable consequences of her actions, or to premeditate a design to commit the acts? If the answer to "f" is no, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

g. What personality type does this Soldier possess?

h. What is the Soldier's intelligence level?

i. Does the Soldier suffer from any mental condition that seriously interferes with her ability to think, respond emotionally, remember, communicate, interpret reality, and behave appropriately? If the answer to "i" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

j. Does the Soldier have an organic brain/nervous system disorder or impairment that would impact her ability to think reason, perceive, recall, or in any way control her behavior or her thoughts? If the answer to "j" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

k. Does this Soldier suffer from any level of Post Traumatic Stress Disorder? If the answer to "k" is yes, answer the following questions:

(1) What is the clinical psychiatric diagnosis, using the DSM-IV?

(2) What is the prognosis?

5. Consideration.

a. The sanity board should, at a minimum, consider all of the following materials in reaching their findings:

(1) The results of psychological and neurological tests.

SUBJECT: Order for Sanity Board - PFC Bradley Manning

- (2) Accused's mental health records.
- (3) Accused's medical records.
- (4) Interviews with accused.
- (5) The charge sheet.

b. You may consider, at your professional discretion, any additional questions or matters posed by the defense if such matters are received no later than two weeks of the date of this memorandum.

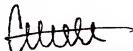
6. In conjunction with the sanity board, you shall also complete a comprehensive neurological examination to include a CAT scan.

7. **Release of Report.** Upon conclusion of the inquiry, the sanity board must comply with the disclosure prohibitions of Military Rule of Evidence 302, and R.C.M. 706(c)(3). Only a statement consisting of the sanity board's ultimate conclusions as to the questions in paragraph 4a through 4k will be provided to the trial counsel. A full report, which may include statements made by PFC Manning or any evidence derived from such statements should be provided to PFC Manning's defense counsel, CPT Paul Bouchard, Trial Defense Service, Camp Liberty, Iraq.

8. **Telephone Numbers.** CPT Ashden Fein is the government counsel. CPT Fein may be reached at (202) 685-4903. Information pertaining to PFC Manning can be obtained from his defense counsel, CPT Bouchard, at DSN (318) 847-3047 or SVOIP (302) 242-4726.

9. **Suspense.** This medical examination and your findings shall be completed no later than 20 August 2010. Any extension of time must be submitted through the Government counsel to me for approval.

10. **Delay.** The period between the request for a delay, on 12 July 2010, and the date the R.C.M. 706 inquiry is complete is excludable delay IAW R.C.M. 707(c).



CARL R. COFFMAN JR.
COL, AV
Commanding

UNITED STATES OF AMERICA

v.

**Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211**

**Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial**

Enclosure 35

10 October 2012

25 August 2010

MEMORANDUM THRU Staff Judge Advocate, Office of the Staff Judge Advocate, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 20319

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense in *United States v. PFC Bradley Manning*.

1. On 18 July 2010, the defense requested that a R.C.M. 706 sanity board be appointed in the case of *United States v. Manning*, and that a separate medical expert be appointed to the defense to observe the R.C.M. 706 board.
2. On 25 August 2010, the defense received notification that a R.C.M. 706 board would begin its assessment of PFC Manning on 27 August 2010. The defense requests that the sanity board be delayed until a forensic psychiatrist can be appointed to the defense team. If the government has denied the former request, the defense hereby renews its request.
3. Pursuant to R.C.M. 703(d), PFC Bradley Manning requests that a forensic psychiatrist from another branch of service be designated as a member of the defense team under Military Rule of Evidence M.R.E. 502 and *United States v. Toledo*, 25 M.J. 270 (CMA 1987). PFC Manning also requests that appropriate arrangements be made for the forensic psychiatrist to travel to Quantico, Virginia to evaluate and work with PFC Manning prior to the R.C.M. 706 board.
4. A military accused has, as a matter of Equal Protection and Due Process, a right to expert assistance when necessary to present an adequate defense. *United States v. Garries*, 22 M.J. 288 (CMA 1986); *United States v. Robinson* 39 M.J. 88 (CMA 1994), and *Ake v. Oklahoma*, 470 U.S. 226 (1971). The Court of Appeals for the Armed Forces has embraced a three-part test for determining whether government-funded expert assistance is necessary. The defense must show: "First, why the expert assistance is needed. Second, what would the expert assistance accomplish for the accused. Third, why is the defense unable to gather the evidence that the expert assistant would be able to develop." *United States v. Gonzalez*, 39 M.J. 459 (1994).
5. All of the above requirements for employment of an expert are present and the defense is entitled to have an expert appointed to the defense as a matter of law. The government has begun the process of conducting a sanity board on PFC Manning and is presumably using the best available Army doctors for this purpose. PFC Manning is only requesting a single forensic psychiatrist from another branch of service be appointed to the defense team to assist in understanding and preparing his defense.
 - a. **Why Is Expert Assistance Needed?** Expert assistance is needed to assist the defense in understanding medical information concerning the mental status of PFC Manning on the date(s) of the alleged crimes, to determine whether he is able to understand the nature and quality of the

SUBJECT: Request for Appointment of Expert with Expertise in Forensic Psychiatry to Assist the Defense in *United States v. PFC Bradley Manning*


wrongfulness of his conduct, to evaluate whether PFC Manning is able to intelligently assist in his defense, and to prepare a possible sentencing case in extenuation and mitigation for the accused. The knowledge required to do this is specialized, and concerns medical and psychiatric data which is beyond the scope of defense counsel's understanding.

b. What Would the Expert Assistance accomplish for the Accused? A forensic psychiatrist assigned to the defense would assist the defense by explaining complex medical terms and the psychology involved at the time of the alleged crimes. The expert would also administer tests which would aid in potential diagnosis and treatment. Finally, the expert would be able to explain medical research in the field of forensic psychiatry and its relevance to the present case.

c. Why is the Defense Unable to Gather this Evidence on Its Own? The defense has neither the experience nor expertise to adequately prepare this case. The defense counsel needs a basic understanding of psychiatry in order to present the defense case, including the need to prepare defense experts to testify. It would be impossible for the defense to properly prepare without having an individual who has the confidentiality guaranteed to protect the accused. As a member of the defense team, the defense appointed expert can freely discuss the defense theories of the case without fear of compromising PFC Manning's rights.

6. For the above reasons, the defense requests that you issue an order appointing a forensic psychiatrist from another branch of service as an expert; that you instruct him/her that he/she is a "defense representative" and thus part of the defense team, and that matters related to him/her during the course of his employment as a member of the defense team will be confidential. Finally the defense requests that you direct that the R.C.M. 706 board be delayed until the defense appointed forensic psychiatrist can be made available to monitor the examinations conducted by the members of the board. The defense believes that the presence of a member of the defense team will increase PFC Manning's willingness to cooperate with the sanity board. Moreover, it will ensure that the defense team has first-hand knowledge of the accuracy and quality of all examinations conducted by the members of the board. This will ultimately reduce the need for future litigation on such issues.

7. The POC is the undersigned at (401) 744-3007 or by e-mail at coombs@armycourtmarshaldefense.com.



DAVID E. COOMBS
Civilian Defense Counsel

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 36

10 October 2012

2 September 2010

MEMORANDUM THRU: Staff Judge Advocate, Office of the Staff Judge Advocate, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 30219

FOR Commander, US Army Military District of Washington, Fort Lesley J. McNair, Washington D.C. 20319

SUBJECT: Request for Appropriate Security Clearances for the Defense Team and Access for PFC Bradley Manning

1. The defense believes that in order to adequately represent our client, each member of the defense team will need a Top Secret - Sensitive Compartmented Information (TS-SCI) clearance. The defense team is currently comprised of the following counsel: Mr. David Coombs (MAJ(P) in the United States Army Reserves); MAJ Matthew J. Kemkes; CPT Paul R. Brouhard; and CPT Michael L. Eaton.
2. Access for each of the defense counsel is necessary in order for PFC Manning to receive due process and a fair trial. Denial of access would impede PFC Manning's defense and prevent full discussion concerning the case with our client. Therefore, expedited access is requested.
3. The defense also requests limited authorization for PFC Manning's access to classified information. It is likely that PFC Manning's access has been suspended due to the preferred charges. It is anticipated that the defense will need to discuss and share access to the classified information at issue in this case with our client. Therefore, the defense requested authorization for limited access to classified information by the accused in accordance with M.R.E. 505(d)(4).
4. The POC is the undersigned at (401) 744-3007 or by e-mail at coombs@armycourt martialdefense.com.



DAVID E. COOMBS
Civilian Defense Counsel

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 37

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JOINT BASE MYER-HENDERSON HALL
204 LEE AVENUE
FORT MYER, VIRGINIA 22211-1199

IMND-MHH-ZA

17 September 2010

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Protective Order for Classified Information – United States v. PFC Bradley Manning

1. **PURPOSE.** The purpose of this Protective Order is to prevent the unauthorized disclosure or dissemination of classified national security information in the subject named case. This Protective Order covers all information and documents previously available to the accused in the course of his employment with the United States Government or which have been, or will be, reviewed or made available to the accused, defense counsel, and other recipients of classified information in this case.

2. **APPLICABILITY.** "Persons subject to this Protective Order" include the following:

- a. the Accused;
- b. Military and Civilian Defense Counsel and Detailed Military Paralegals;
- c. Members of the Defense Team IAW M.R.E. 502 and U.S. v. Toledo, 25 M.J. 270 (C.M.A. 1987);
- d. Security Officers;
- e. Members of the Rule for Courts-Martial 706 Inquiry Board; and
- f. Behavioral Health Providers for the Accused.

3. **ORDER.** In order to protect the national security and pursuant to the authority granted under Military Rule of Evidence (MRE) 505, relevant executive orders of the President of the United States, and regulations of the Departments of Defense and of the Army, it is hereby ORDERED:

- a. The procedures set forth in this Protective Order and the authorities referred to above will apply to the Rule for Courts-Martial (RCM) 706 inquiry, Article 32 investigation, pretrial, trial, post-trial, and appellate matters concerning this case.
- b. The term "classified information" refers to:
 - (1) any classified document (or information contained therein);

(2) information known or that reasonably should be known by persons subject to this Protective Order to be classifiable. If persons subject to this Protective Order are uncertain as to whether the information is classified, they must confirm whether the information is classified;

(3) classified documents (or information contained therein) disclosed to persons subject to this Protective Order as part of the proceedings in this case;

(4) classified documents and information which have otherwise been made known to persons subject to this Protective Order and which have been marked or described as: "CONFIDENTIAL", "SECRET", or "TOP SECRET".

c. All such classified documents and information contained therein shall remain classified unless such classified information bear clear indication they have been declassified by the government agency or department that originated the document or information contained therein (hereinafter referred to as "original classification authority").

d. The words "documents" or "associated materials" as used in this Protective Order include, but are not limited to, all written or printed matter of any kind, formal or informal, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including, without limitation, papers, correspondence, memoranda, notes, letters, telegrams, reports, summaries, inter-office and intra-office communications, notations of any sort, bulletins, teletypes, telefax, invoices, worksheets, and all drafts, alterations, modifications, changes, and amendment of any kind to the foregoing, graphic or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, sound recordings of any kind, motion pictures, any electronic, mechanical or electric records or representations of any kind, including, without limitation, tapes, cassettes, CDs, DVDs, thumbdrives, hard drives, other recordings, films, typewriter ribbons and word processor discs or tapes.

e. The word "or" should be interpreted as including "and", and vice versa; "he" should be interpreted as including "she", and vice versa.

f. Persons subject to this Protective Order are advised that direct or indirect unauthorized disclosure, retention, or negligent handling of classified information could cause serious and, in some cases, exceptionally grave damage to the national security of the United States, or may be used to the advantage of a foreign nation against the interests of the United States. These security procedures are designed to ensure that persons subject to this Protective Order will never divulge the classified information disclosed to them to anyone who is not authorized to receive it, without prior written authorization from the original classification authority and in conformity with these procedures.

g. Persons subject to this Protective Order are admonished that they are obligated by law and regulation not to disclose any classified information in an unauthorized fashion.

h. Persons subject to this Protective Order are admonished that any breach of the security procedures in this Protective Order may result in the termination of their access to classified information. In addition, they are admonished that any unauthorized disclosure, possession, or handling of classified information may constitute violations of United States criminal laws, including but not limited to, the provisions of Sections 641, 793, 794, 798, and 952, Title 18, United States Code, and Sections 421 and 783(b), Title 50, United States Code. In addition, for those persons who are attorneys, a report will be filed with their State Bar Association.

4. Prior to any RCM 706 inquiry, Article 32 investigation, or court-martial proceeding, a security officer will be appointed in writing and served with a copy of this protective order.

5. Personnel Security Investigations and Clearances

a. The storage, handling, and control of classified information requires special security precautions mandated by statute, executive orders, and regulations, and access to which require a security clearance.

b. Once a person subject to this Protective Order obtains a security clearance and executes a non-disclosure agreement (SF 312), that person is eligible for access to classified information, subject to the convening authority's disclosure determination.

c. As a condition of receiving classified information, any retained civilian defense counsel will agree to the conditions specified herein and execute all necessary forms so that the Department of the Army may complete the necessary personnel security investigation to make a determination whether to grant access. Any retained civilian defense counsel will also sign the Acknowledgment of Protective Order (hereinafter "Acknowledgment"). Any retained civilian defense counsel shall also sign a standard form nondisclosure agreement (SF 312) as a condition of access to classified information.

d. In addition to the Acknowledgment, any person who as a result of this case gains access to information contained in any Department of the Army Special Access Program, as that term is defined in Executive Order 13526 [or for events occurring before 27 June 2010, E.O. 12958], or to Sensitive Compartmented Information (SCI), shall sign any nondisclosure agreement which is specific to that Special Access Program or to that Sensitive Compartmented Information.

e. All other requests for clearances for access to classified information in this case for persons not named in this Protective Order or for clearances to a higher level of classification, shall be made through the trial counsel to the convening authority.

f. The security procedures contained in this Protective Order shall apply to any civilian defense counsel retained by the accused, and to any other persons who may later receive classified information from the U.S. Department of the Army in connection with this case.

6. Handling and Protection of Classified Information

- a. All persons subject to this Protective Order shall seek guidance from their respective security officers with regard to the appropriate storage and use of classified information.
- b. The defense security officer will ensure appropriate physical security protection for any materials prepared or compiled by the defense, or by any person in relation to the preparation of the accused's defense or submission under MRE 505. The materials and documents (defined above) requiring physical security include, without limitation, any notes, carbon papers, letters, photographs, drafts, discarded drafts, memoranda, typewriter ribbons, computer diskette, CD/DVDs, magnetic recording, digital recordings, or other documents or any kind or description.
- c. Classified information, or information believed to be classified, shall only be discussed in an area approved by a security officer, and in which persons not authorized to possess such information cannot overhear such discussions.
- d. No one shall discuss any classified information over a standard commercial telephone instrument, an inter-office communication system, or in the presence of any person who is not authorized to possess such information.
- e. Written materials prepared for this case by persons subject to this Protective Order shall be transcribed, recorded, typed, duplicated, copied, or otherwise prepared only by persons who have received access to classified information pursuant to the security procedures contained in this Protective Order.
- f. All mechanical devices, of any kind, used in the preparation or transmission of classified information in this case may be used only with the approval of a security officer.
- g. Upon reasonable advance notice to the trial counsel or a security officer, defense counsel shall be given access during normal business hours and at other times on reasonable request, to classified documents which the government is required to make available to defense counsel but elects to keep in its possession. Persons permitted to inspect classified documents by this Protective Order may make written notes of the documents and their contents. Notes of any classified portions of these documents, however, shall not be disseminated or disclosed in any manner or form to any person not subject to this Protective Order. Such notes will be secured in accordance with the terms of this Protective Order. Persons permitted to have access to classified documents will be allowed to view their notes within an area designated by a security officer. No person permitted to inspect classified documents by this Protective Order, including defense counsel, shall copy or reproduce any part of said documents or their contents in any manner or form, except as provided by a security officer, after he has consulted with the trial counsel.
- h. The persons subject to this Protective Order shall not disclose the contents of any classified documents or information to any person not named herein, except the trial counsel and military judge.

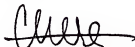
IMND-MHH-ZA

SUBJECT: Protective Order for Classified Information – United States v. PFC Bradley Manning

i. All persons given access to classified information pursuant to this Protective Order are advised that all information to which they obtain access by the Protective Order is now and will forever remain the property of the United States Government. They shall return all materials which may have come into their possession, or for which they are responsible because of such access, upon demand by a security officer.

j. All persons subject to this Protective Order shall sign the Acknowledgment, including the defense counsel and accused. The signing and filing of this Acknowledgment is a condition precedent to the disclosure of any classified information to any person subject to this Protective Order.

7. This Protective Order supersedes all previous protective orders. Nothing contained in this Protective Order shall be construed as a waiver of any right of the accused.



CARL R. COFFMAN, JR
COL, AV
Commanding

DISTRIBUTION:

- 1-Trial Counsel
- 1-Civilian Defense Counsel
- 1-Senior Military Defense Counsel
- 1-Accused
- 1-Defense Experts
- 1-R.C.M. 706 Inquiry Board

UNITED STATES OF AMERICA

v.

Manning, Bradley E.
PFC, U.S. Army,
HHC, U.S. Army Garrison,
Joint Base Myer-Henderson Hall
Fort Myer, Virginia 22211

Prosecution Response to
Defense Motion to Dismiss
for Lack of Speedy Trial

Enclosure 38

10 October 2012



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, 1ST ARMORED DIVISION AND
UNITED STATES DIVISION CENTER
CAMP LIBERTY, IPAQ
APO AE 09344

5 8 JUL 2000

AETV-TRZ

MEMORANDUM FOR SELF DISTRIBUTION

SUBJECT: Protective Order

1. In order to protect the national security and pursuant to the authority granted under Military Rule of Evidence (MRE) 505, relevant executive orders of the President of the United States, and regulations of the Department of the Army, I ORDER:

a. The following security procedures, MRE 505, and the authorities referred to above will apply to all matters concerning the investigation into alleged offenses, pre-trial negotiations, and Article 32, Uniform Code of Military Justice (UCMJ), pre-trial investigation in this case.

b. As used herein, the term "classified information or document" refers to:

- (1) any classified document (or information contained therein);
- (2) information known by the accused or defense counsel to be classifiable;
- (3) classified documents (or information contained therein) disclosed to the accused or defense counsel as part of the proceedings in this case;
- (4) classified documents and information which have otherwise been made known to the accused or defense counsel and which have been marked or described as: "CONFIDENTIAL," "SECRET," or "TOP SECRET."

c. All such classified documents and information contained therein shall remain classified unless they bear a clear indication that they have been officially declassified by the Government agency or department that originated the document or the information contained therein (hereinafter referred to as the "originating agency").

d. The words "documents" or "associated materials" as used in this Order include, but are not limited to, all written or printed matter of any kind, formal or informal, including the originals and all non-identical copies, whether different from the original by reason of any notation made on such copies or otherwise, including, without limitation, papers, correspondence, memoranda, notes, letters, telegrams, reports, summaries, inter-office and intra-office communications, notations of any sort, bulletins, teletypes, telex, invoices, worksheets, and all drafts, alterations, modifications, changes and amendment of any kind to the foregoing, graphic or aural records or representations of any kind, including, without limitation, photographs, charts, graphs, microfiche, microfilm, video tapes, sound recordings of any kind,

AEIV-TH/
SUBJECT: Protective Order

motion pictures, any electronic, mechanical or electric records or representations of any kind, including without limitation, tapes, cassettes, discs, recording, films, typewriter ribbons and word processor discs or tapes.

e. The word "or" should be interpreted as including "and" and vice versa.

f. Those named herein are advised that direct or indirect unauthorized disclosure, retention, or negligent handling of classified information could cause serious and, in some cases, exceptionally grave damage to the national security of the United States, or may be used to the advantage of a foreign nation against the interests of the United States. These Security Procedures are to ensure that persons subject to these Procedures will never divulge the classified information disclosed to them to anyone who is not authorized by the originating agency and in conformity with these procedures.

g. Persons subject to these Procedures are admonished that they are obligated by law and regulation not to disclose any classified national security information in an unauthorized fashion.

h. Persons subject to these Procedures are admonished that any breach of these Procedures may result in the termination of their access to classified information. In addition, they are admonished that any unauthorized disclosure, possession or handling of classified information may constitute violations of United States criminal laws, including but not limited to, the provisions of Sections 641, 793, 794, 798 and 952, Title 18, United States Code, and Sections 421 and 783(b), Title 50, United States Code. In addition, for those persons who are attorneys, a report will be filed with their State Bar Association.

2. Information in the public domain is ordinarily not classified. However, if classified information is reported in the press or otherwise enters the public domain, the information does not lose its classified status merely because it is in the public domain. Any attempt by the defense to have classified information that has been reported in the public domain but which it knows or has reason to believe is classified, confirmed, or denied at trial or in any public proceeding in this case shall be governed by Section 3 of the Classified Information Procedures Act, 18 U.S. Code Appendix III.

3. Personnel Security Investigations and Clearances. This case will involve classified national security information or documents, the storage, handling, and control of which requires special security precautions mandated by statute, executive orders and regulations, and access to which requires a special security clearance.

a. The Convening Authority has been advised that the Investigating Officer has the requisite security clearance to have access to the classified information and documents which will be at issue in this case. The Investigating Officer is to have unfettered access to that classified information necessary to prepare for this investigation, subject to requirement in paragraph 3.g. below.

b. The Convening Authority has been advised that the government trial counsel working on this case have the requisite security clearances to have access to the classified information and

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documents which will be at issue in this case. The government trial counsel are to have unfettered access to classified information necessary to prepare for this investigation, subject to the requirements in paragraph 3.g. below.

c. The Convening Authority has been advised that Private First Class (PFC) Bradley Manning's detailed defense counsel have the requisite security clearance to have access to the relevant and necessary classified information and documents which will be at issue in this case. As a condition of receiving classified information, the detailed defense counsel agree to the conditions specified herein this order.

d. As a condition of receiving classified information, any retained defense counsel will agree to the conditions specified herein and execute all necessary forms so that the Government may complete the necessary personnel security background investigation to make a determination whether defense counsel is eligible for a limited access authorization. Any retained defense counsel will also sign the statement in paragraph 3.e. 1. Upon the execution and filing of the statements set forth in paragraphs 3.e and 3.f by any retained defense counsel requiring access to classified information, the Government shall undertake, as expeditiously as possible, the required inquiries to ascertain defense counsel's eligibility for access to classified information.

e. There are two conditions precedent to obtaining access to the classified information at issue in this case:

(1) All individuals, other than the Investigating Officer, Government and detailed defense counsels and personnel of the originating agency, can obtain access only after having provided the necessary information required for, and having been granted, a security clearance or Limited Access Authorization by the Department of the Army or Department of State, through the Investigation Security Officer; and

(2) Each person, other than the Department of Army employees named herein and personnel of the originating agency, before being granted access to classified information must also sign a sworn statement that states:

MEMORANDUM OF UNDERSTANDING

I, _____, understand that I may be the recipient of information and intelligence that concerns the security of the United States and that belongs to the United States. This information and intelligence, together with the methods of collecting and handling it, are classified according to security standards established by the U.S. Government. I have read and understand the provisions of the espionage laws (Sections 793, 794 and 795 of title 18, United States Code) concerning the disclosure of information relating to the national defense and the provisions of the Intelligence Identities Protection Act (Section 421 of title 50, United States Code) and I am familiar with the penalties provided for the violation thereof.

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2. I agree that I will never divulge, publish or reveal, either by word, conduct, or any other means, such information or intelligence unless specifically authorized in writing to do so by an authorized representative of the U.S. Government or as otherwise ordered by the Court. I further agree to submit for prepublication review any article, speech, or other publication derived from or based upon experience or information gained in the course of United States v. Private First Class Bradley E. Manning. I understand this review is solely to ensure that no classified national security information is contained therein.

3. I understand that this agreement will remain binding upon me after the conclusion of the proceedings in the case of United States v. Private First Class Bradley E. Manning.

4. I have received, read and understand the Security Procedures entered by the Convening Authority on _____ 2010 in the case of United States v. Private First Class Bradley E. Manning relating to classified information, and I agree to comply with the provisions thereof.

Signature Date

Any MOU with a retained defense counsel shall include a statement expressing his understanding that the failure to abide by the terms of these Security Procedures will result in a report to his State Bar Association. Each such person executing the above statement must file an original with the Investigating Officer and provide an original each to the Investigation Security Officer and the Government Counsel.

f. In addition to signing the MOU in paragraph 3.e, any person who, as a result of this investigation, gains access to information contained in any Department of the Army Special Access Program, as that term is defined in section 4.2 of Executive Order 12336, to Sensitive Compartmented Information (SCI), or to any information subject to Special Category (SPeCAT) handling procedures, shall sign any non-disclosure agreement which is specific to that Special Access Program, Sensitive Compartmented Information or SPeCAT information.

g. All other requests for clearances for access to classified information in this case by persons not named in these Procedures, or requests for clearances for access to information at a higher level of classification, shall be made to the Investigation Security Officer, who, upon approval of the Convening Authority, shall promptly process the requests.

h. Before any person subject to these Security Procedures, other than government trial counsel, detailed defense counsel, and personnel of the originating agency who have appropriate level security clearances, receives access to any classified information, that person shall be served with a copy of these Procedures and shall execute the written agreement set forth in paragraph 3.e.

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The Procedures shall apply to any defense counsel of the accused, and to any other persons who may later receive classified information from the Department of the Army or Department of State in connection with this case.

- Handling and Protection of Classified Information

a. All counsel shall seek guidance from the Investigation Security Officer with regard to appropriate storage and use of classified information.

b. The Investigation Security Officer will provide appropriate physical security protection for any materials prepared or compiled by the defense, or by any person in relation to the preparation of the accused's defense or submission under MRE 505. The materials and documents (defined above) requiring physical security include, without limitation, any notes, carbon papers, letters, photographs, drafts, discarded drafts, memoranda, typewriter ribbons, magnetic recording, or other documents or any kind or description. Classified materials prepared by the defense shall be maintained by the Investigation Security Officer in a separate sealed container to which only the defense counsel shall have access.

c. Classified documents and information, or information believed to be classified shall be discussed only in an area approved by the Investigation Security Officer, and in which persons not authorized to possess such information cannot overhear such discussions.

d. No one shall discuss any classified information over any standard commercial telephone instrument or any inter-office communication system, or in the presence of any person who is not authorized to possess such information.

e. Written materials prepared for this case by the accused or defense counsel shall be transcribed, recorded, typed, duplicated, copied or otherwise prepared only by persons who are cleared for access to such information.

f. All mechanical devices of any kind used in the preparation or transmission of classified information in this case may be used only with the approval of the Investigation Security Officer and in accordance with instructions he or she shall issue.

g. Upon reasonable advance notice of the Investigation Security Officer, defense counsel shall be given access during normal business hours, and at other times on reasonable request, to classified national security documents which the government is required to make available to defense counsel but elects to keep in its possession. Persons permitted to inspect classified documents by these Procedures may make written notes of the documents and their contents. Notes of any classified portions of these documents, however, shall not be disseminated or disclosed in any manner or form to any person not subject to these Procedures. Such notes will be secured in accordance with the terms of these Procedures. Persons permitted to have access to classified documents will be allowed to view their notes within an area designated by the Investigation Security Officer. No person permitted to inspect classified documents by these Procedures, including defense counsel, shall copy or reproduce any part of said documents or

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their contents in any manner or form, except as provided by the Investigation Security Officer, after he or she has consulted with the Convening Authority.

b. Without prior authorization of the Department of the Army or Department of State, there shall be no disclosure to anyone not named in these Procedures by persons who may later receive a security clearance or limited access authorization from the Department of the Army or Department of State in connection with this case (except to or from government employees acting in the course of their official duties) of any classified national security information or national security document (or information contained therein) until such time, if ever, that such documents or information are declassified.

c. The defense shall not disclose the contents of any classified documents or information to any person except those persons identified to them by the Investigating Officer as having the appropriate clearances, and a need to know.

d. All persons given access to classified information pursuant to these Procedures are advised that all information to which they obtain access by these Procedures is now and will forever remain the property of the United States Government. They shall return all materials which may have come into their possession, or for which they are responsible because of such access, upon demand by the Investigation Security Officer.

e. A copy of these Procedures shall issue forthwith to defense counsel, with further order that the defense counsel advise the accused named herein of the contents of these Procedures, and furnish him a copy. The accused, through defense counsel, shall forthwith sign the statements set forth in paragraph 3.f of these Procedures, and counsel shall forthwith file an original with the Investigating Officer and provide an original, each to the Investigation Security Officer and the Government Counsel. The signing and filing of this statement by the accused is a condition precedent to the disclosure of classified information to the accused.

f. Nothing contained in these Procedures shall be construed as waiver of any right of the accused.



TERRY A. WOLF
Major General, USA
Commanding

DISTRIBUTION:
Investigating Officer
Trial Counsel
Defense Counsel

INSTRUCTIONS FOR PREPARING AND ARRANGING RECORD OF TRIAL

USE OF FORM - Use this form and MCM, 1984, Appendix 14, will be used by the trial counsel and the reporter as a guide to the preparation of the record of trial in general and special court-martial cases in which a verbatim record is prepared. Air Force uses this form and departmental instructions as a guide to the preparation of the record of trial in general and special court-martial cases in which a summarized record is authorized.

Army and Navy use DD Form 491 for records of trial in general and special court-martial cases in which a summarized record is authorized. Inapplicable words of the printed text will be deleted.

COPIES - See MCM, 1984, RCM 1103(g). The convening authority may direct the preparation of additional copies.

ARRANGEMENT - When forwarded to the appropriate Judge Advocate General or for judge advocate review pursuant to Article 64(a), the record will be arranged and bound with allied papers in the sequence indicated below. Trial counsel is responsible for arranging the record as indicated, except that items 6, 7, and 15e will be inserted by the convening or reviewing authority, as appropriate, and items 10 and 14 will be inserted by either trial counsel or the convening or reviewing authority, whichever has custody of them.

1. Front cover and inside front cover (chronology sheet) of DD Form 490.
2. Judge advocate's review pursuant to Article 64(a), if any.
3. Request of accused for appellate defense counsel, or waiver/withdrawal of appellate rights, if applicable.
4. Briefs of counsel submitted after trial, if any (Article 38(c)).
5. DD Form 494, "Court-Martial Data Sheet."
6. Court-martial orders promulgating the result of trial as to each accused, in 10 copies when the record is verbatim and in 4 copies when it is summarized.
7. When required, signed recommendation of staff judge advocate or legal officer, in duplicate, together with all clemency papers, including clemency recommendations by court members.

8. Matters submitted by the accused pursuant to Article 60 (MCM, 1984, RCM 1105).

9. DD Form 458, "Charge Sheet" (unless included at the point of arraignment in the record).

10. Congressional inquiries and replies, if any.

11. DD Form 457, "Investigating Officer's Report," pursuant to Article 32, if such investigation was conducted, followed by any other papers which accompanied the charges when referred for trial, unless included in the record of trial proper.

12. Advice of staff judge advocate or legal officer, when prepared pursuant to Article 34 or otherwise.

13. Requests by counsel and action of the convening authority taken thereon (e.g., requests concerning delay, witnesses and depositions).

14. Records of former trials.

15. Record of trial in the following order:

- a. Errata sheet, if any.
- b. Index sheet with reverse side containing receipt of accused or defense counsel for copy of record or certificate in lieu of receipt.
- c. Record of proceedings in court, including Article 39(a) sessions, if any.
- d. Authentication sheet, followed by certificate of correction, if any.
- e. Action of convening authority and, if appropriate, action of officer exercising general court-martial jurisdiction.
- f. Exhibits admitted in evidence.
- g. Exhibits not received in evidence. The page of the record of trial where each exhibit was offered and rejected will be noted on the front of each exhibit.
- h. Appellate exhibits, such as proposed instructions, written offers of proof or preliminary evidence (real or documentary), and briefs of counsel submitted at trial.